

AMENDED IN ASSEMBLY JULY 8, 1999

AMENDED IN ASSEMBLY JUNE 24, 1999

AMENDED IN SENATE MAY 10, 1999

AMENDED IN SENATE APRIL 14, 1999

**SENATE BILL**

**No. 1308**

**Introduced by Committee on Business and Professions  
(Senators Figueroa (Chair), Johannessen, Murray,  
O'Connell, Polanco, and Speier)**

March 11, 1999

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An act to amend Sections 27, 101, 800, 805.5, 1601, 1640, 1641, 1642, 1686, 1701.5, 1753, 2085, 2103, 2107, 2111, 2113, 2168.2, 2277, 2475, 2499.5, 2506, 2512.5, 2513, 2520, 2532.3, 2532.6, 2538.1, 2565, 2566, 2566.1, 2770.2, 2770.8, 2770.11, 2770.13, 2770.14, 2843, 2895, 2960, 4008, 4022, 4043, 4057, 4078, 4102, 4115.5, 4200.5, 4202, 4402, 4518, 4548, 4927, 4929, 4929.5, 4930, 4931, 4933, 4934, 4935, 4940, 4941, 4944, 4946, 4947, 4955, 4956, 4959, 4960.5, 4961, 4963, 4964, 4966, 4967, 4972, 4973, 4975, 4977, and 4979 of, to add Sections 808.5, 1626.5, 1640.1, 1640.2, 1684, 1701.1, and 4040.5 to, to repeal Sections 2119 , 2178, and 2185 of, to repeal and amend Section 4965 of, and to repeal and add Section 2770.12 of, the Business and Professions Code, to amend Sections 12529 and 12529.5 of the Government Code, and to amend Section 11165 of the Health and Safety Code, relating to healing arts, and making an appropriation therefor.

## LEGISLATIVE COUNSEL'S DIGEST

SB 1308, as amended, Committee on Business and Professions. Healing arts: licensees.

(1) Existing law requires various boards in the Department of Consumer Affairs to provide information concerning the status of licensees on the Internet.

This bill would make that provision applicable to the Board of Psychology.

Existing law requires various boards in the Department of Consumer Affairs to maintain a central file of the names of all persons who hold a license, certificate, or similar authority to provide an individual historical record for each licensee with respect to certain crimes or judgments, and requires certain reports concerning those licensees.

This bill would extend those provisions to the Board of Psychology.

(2) Existing law, administered by the Board of Dental Examiners, governs the practice of dentistry, and makes it unlawful for any person to engage in the practice of dentistry unless that person has a valid license or permit. Existing law generally provides that any person who practices dentistry or offers to practice dentistry, as defined, without a license, or when the license has been revoked or suspended is guilty of a misdemeanor for the first offense, and guilty of a felony for the 2nd or subsequent offense. However, under certain conditions, students of dentistry or dental hygiene are exempt from this requirement.

Existing law also authorizes groups of 3 or more dentists to practice under a fictitious name.

Existing law authorizes a person whose license, certificate, or permit to practice dentistry has been revoked or suspended, or who has been placed on probation, to petition for reinstatement or modification of the penalty.

Existing law provides that every person to whom a special permit to practice dentistry is issued is entitled to practice in the specialty field in which he or she has been examined by the Board of Dental Examiners at the dental college at which he or she is employed and its affiliated institutions, as specified. Existing law requires an examination by the board



for a special permit to test the fitness of the applicant to practice the specialty recognized by the board.

This bill would change the name of the Board of Dental Examiners to the Dental Board of California and make multiple changes with respect to dentistry, among which are the following: setting forth additional exemptions from provisions making it unlawful to practice dentistry without a license for students of registered dental assisting, registered dental assisting in extended functions, and registered dental hygiene in extended functions; revising the above-described provisions relating to special permits to entitle every person to whom a special permit is issued to practice in the specialty or discipline in which he or she has been examined by the board at the dental college at which he or she is employed and its affiliated institutions; and authorizing a person whose license, certificate, or permit was surrendered pursuant to a stipulated settlement as a condition to avoid a disciplinary administrative hearing to petition for reinstatement or modification of penalty.

The bill would also permit individuals or pairs of dentists to practice under fictitious names.

The bill also would require licensed dentists and health care facilities to comply with a request for the dental records of a patient that is accompanied by the patient's written authorization, as specified. This bill would impose various civil penalties for failure to comply.

The bill would make failure to comply with a court order, issued in the enforcement of a subpoena, mandating the release of records to the board, a misdemeanor, thereby imposing a state-mandated local program by creating a new crime.

The bill would provide that any person who willfully, under circumstances or conditions which cause or create risk of specified physical or mental harm or death, practices or attempts to practice, or advertises or holds himself or herself out as practicing dentistry without a valid, unrevoked, and unsuspended certificate to practice dentistry is guilty of a crime, punishable by imprisonment in a county jail for up to one year or in the state prison. By creating a new crime, the bill would impose a state-mandated local program.

(3) Existing law governs the practice of podiatric medicine.

This bill would make technical changes to these provisions.

(4) Existing law governs the practice of midwifery, and provides for the examination and licensing of midwives.

This bill would authorize the Division of Licensing to conduct those examinations but authorize the division to contract for the administration of the examination, as specified, and make related changes with respect to the fee for the examination.

(5) Existing law regulates the practice of nursing, including a diversion program for registered nurses subject to disciplinary action. Existing law establishes diversion evaluation committees to administer the diversion program.

Existing law also provides for the licensure of vocational nurses and psychiatric technicians by the Board of Vocational Nursing and Psychiatric Technicians. Existing law provides that the board shall include 3 members of the public appointed by the Governor.

This bill would revise various provisions of the diversion program. Among other changes, the bill would require a diversion evaluation committee to report the name and license number of a registered nurse who is terminated from the program and who presents a threat to the public or his or her own health and safety to the board's enforcement program. The bill would make changes regarding the confidentiality provisions of the diversion program, including setting forth circumstances under which a nurse shall be deemed to have waived his or her right to confidentiality.

The bill would also increase the fees for licensing vocational nurses and psychiatric technicians. The bill would also specify that the number of public members of the board appointed by the Governor is 4.

(6) Existing law provides for the licensure of physicians and surgeons. Existing law imposes various examination and educational requirements for licensure. Existing law specifically prohibits an applicant for examination who fails to pass any part or parts of the written examination after 2 attempts from being reexamined until the applicant



completes additional appropriate medical instruction, as specified.

This bill would revise some of the examination requirements, would delete certain provisions regarding passing scores on a specified examination, and would delete the provisions against reexamination after 2 attempts to pass the written examination, as specified above. It would expand provisions that authorize the substitution of postgraduate education and training to remedy deficiencies in medical school education and training, so that certain provisions are not limited to persons who graduated from medical school prior to 1986.

The bill would delete a requirement of an oral examination for an applicant to practice medicine only in connection with a faculty position. The bill would delete provisions that authorize hospital service prior to being notified of the score on required examinations.

(7) Existing law governs the practice of speech-language pathology and audiology.

This bill would make technical changes to those provisions.

(8) Existing law imposes various fees in connection with the registration of dispensing opticians and the issuance of certificates to dispense contact or spectacle lenses, and provides for a reduced initial fee if the license will expire in less than one year.

This bill would eliminate provisions for the reduced fee.

(9) Existing law, the Acupuncture Licensure Act, regulates the practice and licensure of acupuncture and establishes the Acupuncture Board to enforce and administer these provisions.

This bill would require the board to establish standards for the approval of tutorial programs in acupuncture, as specified. The bill would require that an applicant for renewal of a license submit proof of completing continuing education requirements and impose a delinquency fee if a license is not renewed prior to, rather than within 30 days after, expiration. The bill would also make technical and clarifying changes to these provisions.

(10) Existing law provides for the regulation of and licensure of pharmacists and for inspectors of pharmacy.

This bill would require the salary of inspectors of pharmacy who are pharmacists to be within 5% parity of pharmacists employed by the University of California.

This bill would revise the definition of “dangerous drug or device ” to include drugs or devices bearing the statement “Rx only” and also would revise the definition of “wholesaler.”

(11) Existing law prohibits false or misleading labels on prescriptions.

This bill would permit false labels when necessary for clinical or investigational drug programs, or if necessary to treat the patient. The bill would require records to be maintained for 3 years. Since a violation of the pharmacy law is a crime, the bill would impose a state-mandated local program by expanding a crime.

The bill would revise the instances in which a pharmacist may perform skin puncture in the performance of patient assessment procedures.

The bill would require applicants for registration as a pharmacy technician to be high school graduates or to possess a general education development equivalent, and revise the conditions under which a pharmacy technician student may participate in an externship.

The bill would also provide for the cancellation of licenses not renewed within 60 days by the board, rather than by operation of law.

~~(11)~~

(12) Existing law provides for the Health Quality Enforcement Section within the Department of Justice, to prosecute proceedings against licensees and applicants within the jurisdiction of the Medical Board of California.

This bill would provide for that section to prosecute licensees and applicants within the jurisdiction of the Board of Psychology.

~~(12)~~

(13) Existing law requires the Department of Justice to establish the Controlled Substance Utilization Review and Evaluation System, as a 3-year pilot project, expiring July 1, 2000.



This bill would expand the purposes to include statistical analysis, education, and research, and would extend the program until July 1, 2003, as specified.

~~(13)–~~

(14) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: yes. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 27 of the Business and  
2 Professions Code is amended to read:  
3 27. (a) Every entity specified in subdivision (b) shall  
4 provide on the Internet information regarding the status  
5 of every license issued by that entity in accordance with  
6 the California Public Records Act (Chapter 3.5  
7 (commencing with Section 6250) of Division 7 of Title 1  
8 of the Government Code) and the Information Practices  
9 Act of 1977 (Chapter 1 (commencing with Section 1798)  
10 of Title 1.8 of Part 4 of Division 3 of the Civil Code). The  
11 public information to be provided on the Internet shall  
12 include information on suspensions and revocations of  
13 licenses issued by a board and other related enforcement  
14 action taken by a board relative to persons, businesses, or  
15 facilities subject to licensure or regulation by a board. In  
16 providing information on the Internet, each entity shall  
17 comply with the Department of Consumer Affairs  
18 Guidelines for Access to Public Records. The information  
19 shall not include personal information including home  
20 address (unless used as a business address), home  
21 telephone number, date of birth, or social security  
22 number.  
23 (b) Each of the following entities within the  
24 Department of Consumer Affairs shall comply with the  
25 requirements of this section:



1 (1) The Acupuncture Committee shall disclose  
2 information on its licensees.

3 (2) The Board of Behavioral Science Examiners shall  
4 disclose information on its licensees, including marriage,  
5 family and child counselors; licensed clinical social  
6 workers; and licensed educational psychologists.

7 (3) The Board of Dental Examiners shall disclose  
8 information on its licensees.

9 (4) The State Board of Optometry shall disclose  
10 information regarding certificates of registration to  
11 practice optometry, statements of licensure, optometric  
12 corporation registrations, branch office licenses, and  
13 fictitious name permits of their licensees.

14 (5) The Board for Professional Engineers and Land  
15 Surveyors shall disclose information on its registrants and  
16 licensees.

17 (6) The Structural Pest Control Board shall disclose  
18 information on its licensees, including applicators; field  
19 representatives; and operators in the areas of fumigation,  
20 general pest and wood destroying pests and organisms,  
21 and wood roof cleaning and treatment.

22 (7) The Bureau of Automotive Repair shall disclose  
23 information on its licensees, including auto repair dealers,  
24 smog stations, lamp and brake stations, smog check  
25 technicians, and smog inspection certification stations.

26 (8) The Bureau of Electronic and Appliance Repair  
27 shall disclose information on its licensees, including major  
28 appliance repair dealers, combination dealers (electronic  
29 and appliance), electronic repair dealers, service  
30 contract sellers, and service contract administrators.

31 (9) The cemetery program shall disclose information  
32 on its licensees, including cemetery brokers, cemetery  
33 salespersons, crematories, and cremated remains  
34 disposers.

35 (10) The funeral program shall disclose information on  
36 its licensees, including, embalmers, funeral director  
37 establishments, and funeral directors.

38 (11) The Contractors' State License Board shall  
39 disclose information on its licensees in accordance with



Chapter 9 (commencing with Section 7000) of Division 3.

(12) The Board of Psychology shall disclose information on its licensees, including psychologists, psychological assistants, and registered psychologists.

(c) “Internet” for the purposes of this section has the meaning set forth in paragraph (6) of subdivision (e) of Section 17538 of the Business and Professions Code.

SEC. 1.1. Section 101 of the Business and Professions Code is amended to read:

101. The department is comprised of:

(a) The Dental Board of California.

(b) The Medical Board of California.

(c) The State Board of Optometry.

(d) The California State Board of Pharmacy.

(e) The Veterinary Medical Board.

(f) The Board of Accountancy.

(g) The California State Board of Architectural Examiners.

(h) The State Board of Barbering and Cosmetology.

(i) The Board for Professional Engineers and Land Surveyors.

(j) The Contractors’ State License Board.

(k) The State Board of Funeral Directors and Embalmers.

(l) The Structural Pest Control Board.

(m) The Bureau of Home Furnishings and Thermal Insulation.

(n) The Board of Registered Nursing.

(o) The Board of Behavioral Science Examiners.

(p) The State Athletic Commission.

(q) The Cemetery Board.

(r) The State Board of Guide Dogs for the Blind.

(s) The Bureau of Security and Investigative Services.

(t) The Court Reporters Board of California.

(u) The Board of Vocational Nursing and Psychiatric Technicians.

(v) The California State Board of Landscape Architects.

(w) The Bureau of Electronic and Appliance Repair.

1 (x) The Division of Investigation.  
2 (y) The Bureau of Automotive Repair.  
3 (z) The State Board of Registration for Geologists and  
4 Geophysicists.  
5 (aa) The State Board of Nursing Home  
6 Administrators.  
7 (ab) The Respiratory Care Examining Committee.  
8 (ac) The Acupuncture Examining Committee.  
9 (ad) The Board of Psychology.  
10 (ae) The California Board of Podiatric Medicine.  
11 (af) The Physical Therapy Board.  
12 (ag) The Arbitration Review Program.  
13 (ah) The Committee on Dental Auxiliaries.  
14 (ai) The Hearing Aid Dispensers Examining  
15 Committee.  
16 (aj) The Physician Assistant Examining Committee.  
17 (ak) The Speech-Language Pathology and Audiology  
18 Board.  
19 (al) The Tax Preparers Program.  
20 (am) Any other boards, offices, or officers subject to its  
21 jurisdiction by law.  
22 SEC. 2. Section 800 of the Business and Professions  
23 Code is amended to read:  
24 800. (a) The Medical Board of California, the Board  
25 of Psychology, the Board of Dental Examiners, the  
26 Osteopathic Medical Board of California, the Board of  
27 Chiropractic Examiners, the California Board of  
28 Registered Nursing, the Board of Vocational Nursing and  
29 Psychiatric Technicians, the State Board of Optometry,  
30 the Veterinary Medical Board, and the State Board of  
31 Pharmacy shall each separately create and maintain a  
32 central file of the names of all persons who hold a license,  
33 certificate, or similar authority from such board. Each  
34 central file shall be created and maintained to provide an  
35 individual historical record for each licensee with respect  
36 to (1) any conviction of a crime in this or any other state  
37 which constitutes unprofessional conduct pursuant to the  
38 reporting requirements of Section 803; (2) any judgment  
39 or settlement requiring the licensee or his or her insurer,  
40 to pay any amount of damages in excess of three thousand

1 dollars (\$3,000) for any claim that injury or death was  
2 proximately caused by the licensee's negligence, error or  
3 omission in practice, or by rendering unauthorized  
4 professional services, pursuant to the reporting  
5 requirements of Section 801 or 802; (3) any public  
6 complaints for which provision is hereinafter made,  
7 pursuant to subdivision (b) of this section; (4)  
8 disciplinary information reported pursuant to Section  
9 805.

10 (b) Each board shall prescribe and promulgate forms  
11 on which members of the public and other licensees or  
12 certificate holders may file written complaints to the  
13 board alleging any act of misconduct in, or connected  
14 with, the performance of professional services by the  
15 licensee.

16 If a board, or division thereof, a committee, or a panel  
17 has failed to act upon a complaint or report within five  
18 years, or has found that the complaint or report is without  
19 merit, the central file shall be purged of information  
20 relating to the complaint or report.

21 Notwithstanding this subdivision, the Board of  
22 Psychology and the Respiratory Care Board of California  
23 shall maintain complaints or reports as long as each board  
24 deems necessary.

25 (c) The contents of any central file which are not  
26 public records under any other provision of law shall be  
27 confidential except that the licensee involved, or his or  
28 her counsel or representative, shall have the right to  
29 inspect and have copies made of his or her complete file  
30 except for the provision that may disclose the identity of  
31 an information source. For the purposes of this section, a  
32 board may protect an information source by providing a  
33 copy of the material with only those deletions necessary  
34 to protect the identity of the source or by providing a  
35 comprehensive summary of the substance of the  
36 material. Whichever method is used, the board shall  
37 ensure that full disclosure is made to the subject of any  
38 personal information that could reasonably in any way  
39 reflect or convey anything detrimental, disparaging, or  
40 threatening to a licensee's reputation, rights, benefits,

1 privileges, or qualifications, or be used by a board to make  
2 a determination that would affect a licensee's rights,  
3 benefits, privileges, or qualifications.

4 The licensee may, but is not required to, submit any  
5 additional exculpatory or explanatory statement or other  
6 information which the board shall include in the central  
7 file.

8 Each board may permit any law enforcement or  
9 regulatory agency when required for an investigation of  
10 unlawful activity or for licensing, certification, or  
11 regulatory purposes to inspect and have copies made of  
12 that licensee's file, unless the disclosure is otherwise  
13 prohibited by law.

14 These disclosures shall effect no change in the  
15 confidential status of these records.

16 SEC. 3. Section 805.5 of the Business and Professions  
17 Code is amended to read:

18 805.5. (a) Prior to granting or renewing staff  
19 privileges for any physician and surgeon, psychologist,  
20 podiatrist, or dentist, any health facility licensed pursuant  
21 to Division 2 (commencing with Section 1200) of the  
22 Health and Safety Code, or any health care service plan  
23 or medical care foundation, or the medical staff of any  
24 such institution, shall request a report from the Medical  
25 Board of California, the Board of Psychology, the  
26 Osteopathic Medical Board of California, or the Board of  
27 Dental Examiners to determine if any report has been  
28 made pursuant to Section 805 indicating that the applying  
29 physician and surgeon, psychologist, podiatrist, or dentist  
30 has been denied staff privileges, been removed from a  
31 medical staff, or had his or her staff privileges restricted  
32 as provided in Section 805. The request shall include the  
33 name and California license number of the physician and  
34 surgeon, psychologist, podiatrist, or dentist. Furnishing of  
35 a copy of the 805 report shall not cause the 805 report to  
36 be a public record.

37 (b) Upon a request made by, or on behalf of, an  
38 institution described in subdivision (a) or its medical  
39 staff, which is received on or after January 1, 1980, the  
40 board shall furnish a copy of any report made pursuant to

1 Section 805. However, the board shall not send a copy of  
2 a report (1) where the denial, removal, or restriction was  
3 imposed solely because of the failure to complete medical  
4 records, (2) where the board has found the information  
5 reported is without merit, or (3) where a period of three  
6 years has elapsed since the report was submitted.

7 In the event that the board fails to advise the institution  
8 within 30 working days following its request for a report  
9 required by this section, the institution may grant or  
10 renew staff privileges for the physician and surgeon,  
11 psychologist, podiatrist, or dentist.

12 (c) Any institution described in subdivision (a) or its  
13 medical staff which violates subdivision (a) is guilty of a  
14 misdemeanor and shall be punished by a fine of not less  
15 than two hundred dollars (\$200) nor more than one  
16 thousand two hundred dollars (\$1,200).

17 SEC. 4. Section 808.5 is added to the Business and  
18 Professions Code, to read:

19 808.5. For purposes of this article, reports affecting  
20 psychologists required to be filed under Sections 801,  
21 801.1, 802, 803, 803.5, and 803.6 shall be filed with the  
22 Board of Psychology of the Department of Consumer  
23 Affairs.

24 SEC. 5. Section 1601 of the Business and Professions  
25 Code is amended to read:

26 1601. (a) There is in the Department of Consumer  
27 Affairs Dental Board of California in which the  
28 administration of this chapter is vested. The board  
29 consists of eight practicing dentists, one registered dental  
30 hygienist, one registered dental assistant, and four public  
31 members. The board shall be organized into standing  
32 committees dealing with examinations, enforcement,  
33 and other subjects as the board deems appropriate.

34 This section shall become inoperative on July 1, 2002,  
35 and, as of January 1, 2003, is repealed, unless a later  
36 enacted statute, which becomes effective on or before  
37 January 1, 2003, deletes or extends the dates on which it  
38 becomes inoperative and is repealed. The repeal of this  
39 section renders the board subject to the review required  
40 by Division 1.2 (commencing with Section 473).

(b) For purposes of this chapter, any reference in this chapter to the Board of Dental Examiners shall be deemed to refer to the Dental Board of California.

SEC. 6. Section 1626.5 is added to the Business and Professions Code, to read:

1626.5. In addition to the exemptions set forth in Section 1626, the operations by bona fide students of registered dental assisting, registered dental assisting in extended functions, and registered dental hygiene in extended functions in the clinical departments or the laboratory of an educational program or school approved by the board, including operations by unlicensed students while engaged in clinical externship programs that have been approved by an approved educational program or school, and that are under the general programmatic and academic supervision of that educational program or school, are exempt from the operation of this chapter.

SEC. 7. Section 1640 of the Business and Professions Code is amended to read:

1640. Any person meeting all the following eligibility requirements may apply for a special permit examination:

(a) Furnishing satisfactory evidence of having a pending contract with a California dental college approved by the board as a full-time professor, an associate professor, or an assistant professor.

(b) Furnishing satisfactory evidence of having graduated from a dental college approved by the board.

(c) Furnishing satisfactory evidence of having been certified as a diplomate of a specialty board or, in lieu thereof, establishing his or her qualifications to take a specialty board examination or furnishing satisfactory evidence of having completed an advanced educational program in a discipline from a dental college approved by the board.

(d) Paying the fee for applicants for examination provided by this chapter.

SEC. 8. Section 1640.1 is added to the Business and Professions Code, to read:

1 1640.1. As used in this article, the following definitions  
2 shall apply:

3 (a) “Specialty” means an area of dental practice  
4 approved by the American Dental Association and  
5 recognized by the board.

6 (b) “Discipline” means an advanced dental  
7 educational program in an area of dental practice not  
8 approved as a specialty by the American Dental  
9 Association; but offered from a dental college approved  
10 by the board.

11 (c) “Dental college approved by the board” means a  
12 dental school or college that is approved by the  
13 Commission on Dental Accreditation of the American  
14 Dental Association, that is accredited by a body that has  
15 a reciprocal accreditation agreement with that  
16 commission, or that has been approved by the Board of  
17 Dental Examiners through its own approval process.

18 SEC. 9. Section 1640.2 is added to the Business and  
19 Professions Code, to read:

20 1640.2. The board shall limit the number of special  
21 permits to practice in a discipline at a college to the  
22 number that may be properly administered and  
23 supervised by the board.

24 SEC. 10. Section 1641 of the Business and Professions  
25 Code is amended to read:

26 1641. The examination by the board for a special  
27 permit shall test the fitness of the applicant to practice a  
28 specialty or discipline recognized by the board.

29 SEC. 11. Section 1642 of the Business and Professions  
30 Code is amended to read:

31 1642. Every person to whom a special permit is issued  
32 shall be entitled to practice in the specialty or discipline  
33 in which he or she has been examined by the board at the  
34 dental college at which he or she is employed and its  
35 affiliated institutions as approved by the board on the  
36 following terms and conditions:

37 (a) The special permitholder shall file a copy of his or  
38 her employment contract with the board. The contract  
39 shall contain the following provision:



1 That the holder understands and acknowledges that  
2 when his or her full-time employment is terminated at  
3 the dental college, his or her special permit will be  
4 automatically revoked and that he or she will voluntarily  
5 surrender the permit to the board and will no longer be  
6 eligible to practice unless or until he or she has  
7 successfully passed the required licensure examination as  
8 provided in Article 2 (commencing with Section 1625).

9 (b) The holder shall be employed as a full-time  
10 professor, as associate professor, or an assistant professor  
11 at a California dental college approved by the board.  
12 “Full-time employment” as used in this section shall be  
13 considered a minimum of four days per week.

14 (c) The holder shall be subject to all the provisions of  
15 this chapter applicable to licensed dentists with the  
16 exception that the special permit shall be renewed  
17 annually.

18 SEC. 12. Section 1684 is added to the Business and  
19 Professions Code, to read:

20 1684. (a) (1) A licensee who fails or refuses to  
21 comply with a request for the dental records of a patient,  
22 that is accompanied by that patient’s written  
23 authorization for release of record to the board, within 15  
24 days of receiving the request and authorization, shall pay  
25 to the board a civil penalty of two hundred fifty dollars  
26 (\$250) per day for each day that the documents have not  
27 been produced after the 15th day, up to a maximum of  
28 five thousand dollars (\$5,000) unless the licensee is unable  
29 to provide the documents within this time period for good  
30 cause.

31 (2) A health care facility shall comply with a request  
32 for the dental records of a patient that is accompanied by  
33 that patient’s written authorization for release of records  
34 to the board together with a notice citing this section and  
35 describing the penalties for failure to comply with this  
36 section. Failure to provide the authorizing patient’s  
37 dental records to the board within 30 days of receiving  
38 this request, authorization, and notice shall subject the  
39 health care facility to a civil penalty, payable to the board,  
40 of up to two hundred fifty dollars (\$250) per day for each



1 day that the documents have not been produced after the  
2 30th day, up to a maximum of five thousand dollars  
3 (\$5,000), unless the health care facility is unable to  
4 provide the documents within this time period for good  
5 cause. This paragraph shall not require health care  
6 facilities to assist the board in obtaining the patient's  
7 authorization. The board shall pay the reasonable cost of  
8 copying the dental records.

9 (b) (1) A licensee who fails or refuses to comply with  
10 a court order, issued in the enforcement of a subpoena,  
11 mandating the release of records to the board shall pay to  
12 the board a civil penalty of one thousand dollars (\$1,000)  
13 per day for each day that the documents have not been  
14 produced after the date by which the court order requires  
15 the documents to be produced, unless it is determined  
16 that the order is unlawful or invalid. Any statute of  
17 limitations applicable to the filing of an accusation by the  
18 board shall be tolled during the period the licensee is out  
19 of compliance with the court order and during any  
20 related appeals.

21 (2) Any licensee who fails or refuses to comply with a  
22 court order, issued in the enforcement of a subpoena,  
23 mandating the release of records to the board is guilty of  
24 a misdemeanor punishable by a fine payable to the board  
25 not to exceed five thousand dollars (\$5,000). The fine shall  
26 be added to the licensee's renewal fee if it is not paid by  
27 the next succeeding renewal date. Any statute of  
28 limitations applicable to the filing of an accusation by the  
29 board shall be tolled during the period the licensee is out  
30 of compliance with the court order and during any  
31 related appeals.

32 (3) A health care facility that fails or refuses to comply  
33 with a court order, issued in the enforcement of a  
34 subpoena, mandating the release of patient records to the  
35 board, that is accompanied by a notice citing this section  
36 and describing the penalties for failure to comply with  
37 this section, shall pay to the board a civil penalty of up to  
38 one thousand dollars (\$1,000) per day for each day that  
39 the documents have not been produced, up to ten  
40 thousand dollars (\$10,000), after the date by which the

1 court order requires the documents to be produced,  
2 unless it is determined that the order is unlawful or  
3 invalid. Any statute of limitations applicable to the filing  
4 of an accusation by the board against a licensee shall be  
5 tolled during the period the health care facility is out of  
6 compliance with the court order and during any related  
7 appeals.

8 (4) Any health care facility that fails or refuses to  
9 comply with a court order, issued in the enforcement of  
10 a subpoena, mandating the release of records to the board  
11 is guilty of a misdemeanor punishable by a fine payable  
12 to the board not to exceed five thousand dollars (\$5,000).  
13 Any statute of limitations applicable to the filing of an  
14 accusation by the board against a licensee shall be tolled  
15 during the period the health care facility is out of  
16 compliance with the court order and during any related  
17 appeals.

18 (c) Multiple acts by a licensee in violation of  
19 subdivision (b) shall be punishable by a fine not to exceed  
20 five thousand dollars (\$5,000) or by imprisonment in a  
21 county jail not exceeding six months, or by both that fine  
22 and imprisonment. Multiple acts by a health care facility  
23 in violation of subdivision (b) shall be punishable by a fine  
24 not to exceed five thousand dollars (\$5,000) and shall be  
25 reported to the State Department of Health Services and  
26 shall be considered as grounds for disciplinary action with  
27 respect to licensure, including suspension or revocation  
28 of the license or certificate.

29 (d) A failure or refusal to comply with a court order,  
30 issued in the enforcement of a subpoena, mandating the  
31 release of records to the board constitutes unprofessional  
32 conduct and is grounds for suspension or revocation of his  
33 or her license.

34 (e) Imposition of the civil penalties authorized by this  
35 section shall be in accordance with the Administrative  
36 Procedure Act (Chapter 5 (commencing with Section  
37 11500) of Division 3 of Title 2 of the Government Code).

38 (f) For the purposes of this section, a “health care  
39 facility” means a clinic or health care facility licensed or  
40 exempt from licensure pursuant to Division 2

1 (commencing with Section 1200) of the Health and  
2 Safety Code.

3 SEC. 13. Section 1686 of the Business and Professions  
4 Code is amended to read:

5 1686. A person whose license, certificate, or permit  
6 has been revoked or suspended, who has been placed on  
7 probation, or whose license, certificate, or permit was  
8 surrendered pursuant to a stipulated settlement as a  
9 condition to avoid a disciplinary administrative hearing,  
10 may petition the board for reinstatement or modification  
11 of penalty, including modification or termination of  
12 probation, after a period of not less than the following  
13 minimum periods have elapsed from the effective date of  
14 the decision ordering disciplinary action:

15 (a) At least three years for reinstatement of a license  
16 revoked for unprofessional conduct or surrendered  
17 pursuant to a stipulated settlement as a condition to avoid  
18 an administrative disciplinary hearing.

19 (b) At least two years for early termination, or  
20 modification of a condition, of a probation of three years  
21 or more.

22 (c) At least one year for modification of a condition, or  
23 reinstatement of a license revoked for mental or physical  
24 illness, or termination, or modification of a condition, of  
25 a probation of less than three years.

26 The petition shall state any fact required by the board.

27 The petition may be heard by the board, or the board  
28 may assign the petition to an administrative law judge  
29 designated in Section 11371 of the Government Code.

30 In considering reinstatement or modification or  
31 penalty, the board or the administrative law judge  
32 hearing the petition may consider (1) all activities of the  
33 petitioner since the disciplinary action was taken, (2) the  
34 offense for which the petitioner was disciplined, (3) the  
35 petitioner's activities during the time the license,  
36 certificate, or permit was in good standing, and (4) the  
37 petitioner's rehabilitative efforts, general reputation for  
38 truth, and professional ability. The hearing may be  
39 continued from time to time as the board or the

1 administrative law judge as designated in Section 11371  
2 of the Government Code finds necessary.

3 The board or the administrative law judge may impose  
4 necessary terms and conditions on the licentiate in  
5 reinstating a license, certificate, or permit or modifying  
6 a penalty.

7 No petition under this section shall be considered while  
8 the petitioner is under sentence for any criminal offense,  
9 including any period during which the petitioner is on  
10 court-imposed probation or parole. No petition shall be  
11 considered while there is an accusation or petition to  
12 revoke probation pending against the person. The board  
13 may deny without a hearing or argument any petition  
14 filed pursuant to this section within a period of two years  
15 from the effective date of the prior decision following a  
16 hearing under this section.

17 Nothing in this section shall be deemed to alter Sections  
18 822 and 823.

19 SEC. 14. Section 1701.1 is added to the Business and  
20 Professions Code, to read:

21 1701.1. Any person who willfully, under  
22 circumstances or conditions which cause or create risk of  
23 bodily harm, serious physical or mental illness, or death,  
24 practices or attempts to practice, or advertises or holds  
25 himself or herself out as practicing dentistry without  
26 having at the time of so doing a valid, unrevoked, and  
27 unsuspended certificate as provided in this chapter, or  
28 without being authorized to perform that act pursuant to  
29 a certificate obtained in accordance with some other  
30 provision of law, is guilty of a crime, punishable by  
31 imprisonment in a county jail for up to one year or in the  
32 state prison.

33 The remedy provided in this section shall not preclude  
34 any other remedy provided by law.

35 SEC. 15. Section 1701.5 of the Business and  
36 Professions Code is amended to read:

37 1701.5. Any association or partnership or corporation  
38 or group of three or more dentists, engaging in practice  
39 under any name that would otherwise be in violation of  
40 Section 1701 may practice under this name if, and only if,

1 the association, partnership, corporation or group holds  
 2 an outstanding, unexpired, unsuspended, and unrevoked  
 3 permit issued by the board under this section. On and  
 4 after July 1, 1995, any individual dentist or pair of dentists  
 5 engaging in the practice of dentistry under any name that  
 6 would otherwise be in violation of Section 1701 may  
 7 practice under that name if and only if the dentist or pair  
 8 of dentists hold an outstanding, unexpired, unsuspended,  
 9 and unrevoked permit issued by the board under this  
 10 section. The board shall issue written permits authorizing  
 11 the holder to use a name specified in the permit in  
 12 connection with the holder's practice if, and only if, the  
 13 board finds to its satisfaction that:

14 (a) The applicant or applicants are duly licensed  
 15 dentists.

16 (b) The place or establishment, or the portion thereof,  
 17 where the applicant or applicants practice, is owned or  
 18 leased by the applicant or applicants, and the practice  
 19 conducted at the place or establishment, or portion  
 20 thereof, is wholly owned and entirely controlled by the  
 21 applicant or applicants.

22 (c) The name that the applicant or applicants propose  
 23 to operate contains at least one of the following  
 24 designations: "dental group," "dental practice," or  
 25 "dental office" and contains the family name of one or  
 26 more of the past, present, or prospective associates,  
 27 partners, shareholders, or members of the group, and is  
 28 in conformity with Section 651 and subdivisions (i) and  
 29 (l) of Section 1680.

30 (d) All licensed persons practicing at the location  
 31 designated in the application hold valid and outstanding  
 32 licenses and that no charges of unprofessional conduct are  
 33 pending against any persons practicing at that location.

34 Permits issued under this section by the board shall  
 35 expire and become invalid unless renewed at the times  
 36 and in the manner provided for the renewal of  
 37 certificates issued under this chapter.

38 Any permits issued under this section may be revoked  
 39 or suspended at any time that the board finds that any one  
 40 of the requirements for original issuance of a permit is no

1 longer being fulfilled by the holder to whom the permit  
2 was issued. Proceedings for revocation or suspension shall  
3 be governed by the Administrative Procedure Act.

4 In the event charges of unprofessional conduct are filed  
5 against the holder of a permit issued under this section,  
6 or a member of an association or partnership or a member  
7 of a group or corporation to whom a permit has been  
8 issued under this section, proceedings shall not be  
9 commenced for revocation or suspension of the permit  
10 until final determination of the charges of unprofessional  
11 conduct and unless the charges have resulted in  
12 revocation or suspension of license.

13 SEC. 16. Section 1753 of the Business and Professions  
14 Code is amended to read:

15 1753. The board shall license as a registered dental  
16 assistant a person who submits written evidence,  
17 satisfactory to the board, of either one of the following  
18 requirements:

19 (a) Graduation from an educational program in dental  
20 assisting approved by the board, and satisfactory  
21 performance on a written examination required by the  
22 board. On and after January 1, 1984, every applicant  
23 seeking licensure as a registered dental assistant pursuant  
24 to this subdivision shall provide evidence of his or her  
25 satisfactory performance on a written and practical  
26 examination required by the board.

27 (b) Satisfactory work experience of more than 18  
28 months as a dental assistant in California or another state  
29 and satisfactory performance on a written examination  
30 required by the board. The board shall give credit toward  
31 the 18 months work experience referred to in this  
32 subdivision to persons who have graduated from a dental  
33 assisting program in a postsecondary institution approved  
34 by the Department of Education or in a secondary  
35 institution, regional occupational center, or regional  
36 occupational program, that are not, however, approved  
37 by the board pursuant to subdivision (a). Such credit shall  
38 equal the total weeks spent in classroom training and  
39 internship on a week-for-week basis not to exceed 16  
40 weeks. The board, in cooperation with the

1 Superintendent of Public Instruction, shall establish the  
2 minimum criteria for the curriculum of such  
3 nonboard-approved programs. Additionally, the board  
4 shall notify those programs only if the program's  
5 curriculum does not meet established minimum criteria,  
6 as established for board-approved registered dental  
7 assistant programs, except any requirement that the  
8 program be given in a postsecondary institution.  
9 Graduates of programs not meeting established  
10 minimum criteria shall not qualify for satisfactory work  
11 experience as defined by this section. In addition, on and  
12 after January 1, 1984, every applicant seeking licensure as  
13 a registered dental assistant pursuant to this subdivision  
14 shall provide evidence of his or her satisfactory  
15 performance in a written and practical examination  
16 required by the board.

17 The Committee on Dental Auxiliaries shall review and  
18 report to the board, on or before January 1, 1982, on the  
19 number of nonboard-approved programs in existence  
20 and the minimum criteria recommended for  
21 nonboard-approved programs.

22 SEC. 17. Section 2085 of the Business and Professions  
23 Code is amended to read:

24 2085. (a) Notwithstanding Section 2084, a graduate  
25 of an approved medical school located in the United  
26 States or Canada who has graduated from a special  
27 medical school program that does not substantially meet  
28 the requirements of Section 2089 with respect to any  
29 aspect of curriculum length or content may be approved  
30 by the Division of Licensing if the division determines  
31 that the applicant has otherwise received adequate  
32 instruction in the subjects listed in subdivision (b) of  
33 Section 2089.

34 "Adequate instruction" means the applicant has  
35 received instruction adequate to prepare the applicant to  
36 engage in the practice of medicine in the United States.  
37 This definition applies to the sufficiency of instruction of  
38 the following courses:

39 (1) Anatomy, including gross anatomy, embryology,  
40 histology, and neuroanatomy.



- 1 (2) Bacteriology and immunology.
- 2 (3) Biochemistry.
- 3 (4) Pathology.
- 4 (5) Pharmacology.
- 5 (6) Physiology.

6 The division may require an applicant under this  
7 section to undertake additional education to bring up to  
8 standard, instruction in the subjects listed in subdivision  
9 (b) of Section 2089 as a condition of issuing a physician  
10 and surgeon's certificate. In approving an applicant  
11 under this section, the division may take into account the  
12 applicant's total relevant academic experience, including  
13 performance on standardized national examinations.

14 (b) (1) Notwithstanding subdivision (a) or Sections  
15 2084 and 2089, an applicant who is a graduate of an  
16 approved medical school located in the United States or  
17 Canada who has graduated from a special medical school  
18 program that does not substantially meet the  
19 requirements of Section 2089 with respect to any aspect  
20 of curriculum length or content shall be presumed to  
21 meet the requirements of Sections 2084 and 2089 if the  
22 special medical school program has been reviewed and  
23 approved by a national accrediting agency approved by  
24 the division and recognized by the United States  
25 Department of Education.

26 (2) This presumption may be overcome upon a  
27 finding by the division that the medical education  
28 received by the applicant is not the educational  
29 equivalent of the medical education received by  
30 graduates of medical schools approved pursuant to  
31 subdivision (a) or Section 2084. In making its finding, the  
32 division shall consider, at a minimum, the applicant's total  
33 academic and medical training experience prior to, and  
34 following, as well as during, medical school, the  
35 applicant's performance on standardized national  
36 examinations, including the National Board  
37 Examinations, the applicant's achievements as a house  
38 staff officer, and the number of years of postgraduate  
39 medical training completed by the applicant.





1 (3) An applicant under this subdivision who (A) has  
2 satisfactorily completed at least two years of postgraduate  
3 clinical training approved by the Accreditation Council  
4 for Graduate Medical Education or the Coordinating  
5 Council of Medical Education of the Canadian Medical  
6 Association and whose postgraduate training has  
7 included at least one year of clinical contact with patients  
8 and (B) has achieved a passing score on the written  
9 examination required for licensure, satisfies the  
10 requirements of Sections 2084 and 2089. For purposes of  
11 this subdivision, an applicant who has satisfactorily  
12 completed at least two years of approved postgraduate  
13 clinical training on or before July 1, 1987, shall not be  
14 required to have at least one year of clinical contact with  
15 patients.

16 (4) Applicants under this subdivision who apply after  
17 satisfactorily completing one year of approved  
18 postgraduate training shall have their applications  
19 reviewed by the division and shall be informed by the  
20 division either that satisfactory completion of a second  
21 year of approved postgraduate training will result in their  
22 being deemed to meet the requirements of Sections 2084  
23 and 2089, or informed of any deficiencies in their  
24 qualifications or documentation and the specific  
25 remediation, if any, required by the division to meet the  
26 requirements of Sections 2084 and 2089. Upon satisfactory  
27 completion of the specified remediation, the division  
28 shall promptly issue a license to the applicant.

29 SEC. 18. Section 2103 of the Business and Professions  
30 Code is amended to read:

31 2103. An applicant who is a citizen of the United  
32 States shall be eligible for a physician's and surgeon's  
33 certificate if he or she has completed the following  
34 requirements:

35 (a) Official transcripts or other official evidence  
36 satisfactory to the Division of Licensing of compliance  
37 with Section 2088.

38 (b) Official evidence satisfactory to the division of  
39 completion of a resident course or professional  
40 instruction equivalent to that required in Section 2089 in

1 a medical school located outside the United States or  
2 Canada. However, nothing in this section shall be  
3 construed to require the division to evaluate for  
4 equivalency any coursework obtained at a medical school  
5 disapproved by the division pursuant to Article 4  
6 (commencing with Section 2080).

7 (c) Official evidence satisfactory to the division of  
8 completion of all formal requirements of the medical  
9 school for graduation, except the applicant shall not be  
10 required to have completed an internship or social  
11 service or be admitted or licensed to practice medicine  
12 in the country in which the professional instruction was  
13 completed.

14 (d) Attained a score satisfactory to an approved  
15 medical school on a qualifying examination acceptable to  
16 the division.

17 (e) Successful completion of one academic year of  
18 supervised clinical training in a program approved by the  
19 division pursuant to Section 2104. The division shall also  
20 recognize as compliance with this subdivision the  
21 successful completion of a one-year supervised clinical  
22 medical internship operated by a medical school  
23 pursuant to Chapter 85 of the Statutes of 1972 and as  
24 amended by Chapter 888 of the Statutes of 1973 as the  
25 equivalent of the year of supervised clinical training  
26 required by this section.

27 (1) Training received in the academic year of  
28 supervised clinical training approved pursuant to Section  
29 2104 shall be considered as part of the total academic  
30 curriculum for purposes of meeting the requirements of  
31 Sections 2089 and 2089.5.

32 (2) An applicant who has passed the basic science and  
33 English language examinations required for certification  
34 by the Educational Commission for Foreign Medical  
35 Graduates may present evidence of those passing scores  
36 along with a certificate of completion of one academic  
37 year of supervised clinical training in a program  
38 approved by the division pursuant to Section 2104 in  
39 satisfaction of the formal certification requirements of  
40 subdivision (b) of Section 2102.

1 (f) Satisfactory completion of the postgraduate  
2 training required under Section 2096.

3 (g) Passed the written examination required for  
4 certification as a physician and surgeon in this chapter.

5 SEC. 19. Section 2107 of the Business and Professions  
6 Code is amended to read:

7 2107. (a) The Legislature intends that the Division of  
8 Licensing shall have the authority to substitute  
9 postgraduate education and training to remedy  
10 deficiencies in an applicant's medical school education  
11 and training. The Legislature further intends that  
12 applicants who substantially completed their clinical  
13 training shall be granted that substitute credit if their  
14 postgraduate education took place in an accredited  
15 program.

16 (b) To meet the requirements for licensure set forth  
17 in Sections 2089 and 2089.5, the Division of Licensing may  
18 require an applicant under this article to successfully  
19 complete additional education and training. In  
20 determining the content and duration of the required  
21 additional education and training, the division shall  
22 consider the applicant's medical education and  
23 performance on standardized national examinations, and  
24 may substitute up to 36 weeks of approved postgraduate  
25 training in lieu of specified undergraduate requirements.  
26 Postgraduate training substituted for undergraduate  
27 training shall be in addition to the year of postgraduate  
28 training required by Sections 2102 and 2103.

29 (c) In addition, the division shall accept certified  
30 postgraduate training in a program approved by the  
31 American Accreditation Committee for Graduate  
32 Medical Education or the Coordinating Council of  
33 Medical Education of Canada in lieu of undergraduate  
34 work in the same subject for any applicant who meets the  
35 following criteria:

36 (1) Successful completion of at least 60 weeks of  
37 clinical instruction while in medical school.

38 (2) Completion of clinical instruction which does not  
39 meet, in whole or in part, the requirements of Section  
40 2089.5.

1 Certification of this training shall be made by the  
2 program's Director of Medical Education, and shall state  
3 that the applicant has satisfactorily completed  
4 postgraduate training in the subject areas for which the  
5 applicant seeks undergraduate credit and for a duration  
6 required by Section 2089.5. Postgraduate training  
7 substituted for undergraduate training shall be in  
8 addition to the year of postgraduate training required by  
9 Sections 2102 and 2103.

10 SEC. 20. Section 2111 of the Business and Professions  
11 Code is amended to read:

12 2111. (a) Physicians who are not citizens but who  
13 meet the requirements of subdivision (b), are legally  
14 admitted to the United States, and who seek postgraduate  
15 study in an approved medical school may, after receipt of  
16 an appointment from the dean of the California medical  
17 school and application to and approval by the Division of  
18 Licensing, be permitted to participate in the professional  
19 activities of the department in the medical school to  
20 which they are appointed. The physician shall be under  
21 the direction of the head of the department to which he  
22 or she is appointed, and shall be known for these purposes  
23 as a "Section 2111 guest physician."

24 (b) (1) Application for approval shall be made on a  
25 form prescribed by the division. The application shall  
26 show that the person does not immediately qualify for a  
27 physician and surgeon certificate under this chapter and  
28 that the person has completed at least three years of  
29 postgraduate basic residency requirements.

30 (2) Approval shall be granted for a maximum of three  
31 years and shall be renewed annually. Renewal shall be  
32 granted subject to the discretion of the division.  
33 Notwithstanding the limitations in this subdivision on the  
34 length of the approval, a Section 2111 guest physician may  
35 apply for, and the division may in its discretion grant, not  
36 more than two extensions of that approval. An extension  
37 may be granted only if the dean of the California medical  
38 school has provided justification that the extension is  
39 necessary and the person holds a certificate issued by the  
40 Educational Commission for Foreign Medical Graduates.

(c) Except to the extent authorized by this section, the visiting physician may not engage in the practice of medicine, bill for his or her medical services, or otherwise receive compensation therefor. The time spent under appointment in a medical school pursuant to this section may not be used to meet the requirements for licensure under Section 2102.

(d) Nothing in this section shall preclude any United States citizen who has received his or her medical degree from a medical school located in a foreign country from participating in any program established pursuant to this section.

SEC. 21. Section 2113 of the Business and Professions Code is amended to read:

2113. (a) Any person who does not immediately qualify for a physician's and surgeon's certificate under this chapter and who is offered by the dean of an approved medical school in this state a full-time faculty position may, after application to and approval by the Division of Licensing, be granted a certificate of registration to engage in the practice of medicine only to the extent that the practice is incident to and a necessary part of his or her duties as approved by the division in connection with the faculty position.

(b) To qualify for the certificate an applicant shall meet all the following requirements:

(1) Furnish documentary evidence satisfactory to the division that the applicant is a United States citizen or is legally admitted to the United States.

(2) If the applicant is a graduate of a medical school other than in the United States or Canada, furnish documentary evidence satisfactory to the division that he or she has been licensed to practice medicine and surgery for not less than four years in another state or country whose requirements for licensure are satisfactory to the division, or has been engaged in the practice of medicine in the United States for at least four years in approved facilities, or has completed a combination of that licensure and training.

1 If the applicant is a graduate of an approved medical  
2 school in the United States or Canada, furnish  
3 documentary evidence that he or she has completed a  
4 resident course of professional instruction as required in  
5 Section 2089.

6 (3) The head of the department in which the applicant  
7 is to be appointed shall certify in writing to the division  
8 that the applicant will be under his or her direction and  
9 will not be permitted to practice medicine unless  
10 incident to and a necessary part of the applicant's duties  
11 as approved by the division in subdivision (a).

12 (4) Submit an application on a form prescribed by the  
13 division.

14 (5) The dean of the medical school shall demonstrate  
15 that the applicant has the requisite qualifications to  
16 assume the position to which he or she is to be appointed.

17 (c) A certificate of registration is valid for one year  
18 after its issuance. During this period the division may  
19 require the registrant to take the written examination  
20 required for issuance of a physician's and surgeon's  
21 certificate. If the registrant is required to take the written  
22 examination and does not pass, the certificate of  
23 registration shall nevertheless be effective for the  
24 one-year period issued and if the effective period of the  
25 certificate will lapse before the examination may be  
26 retaken, the certificate of registration may be renewed,  
27 subject to the discretion of the division, for a period not  
28 to exceed one additional year.

29 If the registrant is not required to take the written  
30 examination in order to be issued a certificate of  
31 registration or has passed that examination, the  
32 certificate of registration may be renewed annually at the  
33 discretion of the division for a total period of five years  
34 from the date of issuance of the original certificate,  
35 provided, however, that the division, may in its discretion  
36 refuse to renew a certificate of registration if the  
37 registrant is a graduate of a medical school other than in  
38 the United States or Canada and has not, within two years  
39 after registration, been issued a certificate by the  
40 Educational Commission for Foreign Medical Graduates.

1 The division may condition any renewal on passing the  
2 written examination as described in this subdivision.

3 (d) If the registrant is a graduate of a medical school  
4 other than in the United States or Canada, he or she shall  
5 meet the requirements of Section 2102 or 2135, as  
6 appropriate, in order to obtain a physician's and surgeon's  
7 certificate. Notwithstanding any other provision of law,  
8 the division may accept practice in an appointment  
9 pursuant to this section as qualifying time to meet the  
10 postgraduate training requirements in Section 2102, and  
11 may, in its discretion, waive the examination and the  
12 Educational Commission for Foreign Medical Graduates  
13 certification requirements specified in Section 2102 in the  
14 event the registrant applies for a physician's and  
15 surgeon's certificate. As a condition to waiving any  
16 examination or the Educational Commission for Foreign  
17 Medical Graduates certification requirement, the  
18 division in its discretion, may require an applicant to pass  
19 the clinical competency examination referred to in  
20 subdivision (d) of Section 2135. The division shall not  
21 waive any examination for an applicant who has not  
22 completed at least one year in the faculty position.

23 (e) Except to the extent authorized by this section, the  
24 registrant shall not engage in the practice of medicine or  
25 receive compensation therefor, unless he or she is issued  
26 a physician's and surgeon's certificate.

27 SEC. 22. Section 2119 of the Business and Professions  
28 Code is repealed.

29 SEC. 23. Section 2168.2 of the Business and  
30 Professions Code is amended to read:

31 2168.2. An application for a special faculty permit  
32 shall be made on a form prescribed by the Division of  
33 Licensing and shall include any information that the  
34 Division of Licensing may prescribe to establish an  
35 applicant's eligibility for a permit. This information shall  
36 include, but is not limited to, the following:

37 (a) A statement from the dean of the medical school  
38 at which the applicant will be employed describing the  
39 applicant's qualifications and justifying the dean's



1 determination that the applicant is academically  
2 eminent.

3 (b) A statement by the dean of the medical school  
4 listing every affiliated institution in which the applicant  
5 will be providing instruction as part of the medical  
6 school's educational program and justifying any clinical  
7 activities at each of the institutions listed by the dean.

8 SEC. 24. Section 2178 of the Business and Professions  
9 Code is repealed.

10 SEC. 24.5. Section 2185 of the Business and  
11 Professions Code is repealed.

12 SEC. 25. Section 2277 of the Business and Professions  
13 Code is amended to read:

14 2277. Unless the holder of any certificate provided for  
15 in this chapter has been granted the degree of doctor of  
16 podiatric medicine after the completion of a full course  
17 of study as prescribed by a school or college of podiatric  
18 medicine in accordance with the provisions of this  
19 chapter, the use of the term or suffix "D.P.M." constitutes  
20 unprofessional conduct.

21 SEC. 26. Section 2475 of the Business and Professions  
22 Code, as amended by Section 19 of Chapter 736 of the  
23 Statutes of 1998, is amended to read:

24 2475. (a) Unless otherwise provided by law, no  
25 postgraduate trainee, intern, resident postdoctoral  
26 fellow, or instructor may engage in the practice of  
27 podiatric medicine, or receive compensation therefor, or  
28 offer to engage in the practice of podiatric medicine  
29 unless he or she holds a valid, unrevoked, and  
30 unsuspended certificate to practice podiatric medicine  
31 issued by the division. However, a graduate of an  
32 approved college or school of podiatric medicine upon  
33 whom the degree doctor of podiatric medicine has been  
34 conferred, who is issued a limited license, which may be  
35 renewed annually for up to four years, for this purpose by  
36 the division upon recommendation of the board, and who  
37 is enrolled in a postgraduate training program approved  
38 by the board, may engage in the practice of podiatric  
39 medicine whenever and wherever required as a part of  
40 that program under the following conditions:





1 (1) A graduate with a limited license in an approved  
2 internship, residency, or fellowship program may  
3 participate in training rotations outside the scope of  
4 podiatric medicine, under the supervision of a physician  
5 and surgeon who holds a medical doctor or doctor of  
6 osteopathy degree wherever and whenever required as  
7 a part of the training program, and may receive  
8 compensation for that practice. If the graduate fails to  
9 receive a license to practice podiatric medicine under  
10 this chapter within two years from the commencement  
11 of the postgraduate training, all privileges and  
12 exemptions under this section shall automatically cease.

13 (2) Podiatric hospitals functioning as a part of the  
14 teaching program of an approved college or school of  
15 podiatric medicine in this state may exchange instructors  
16 or resident or assistant resident podiatrists with another  
17 approved college or school of podiatric medicine not  
18 located in this state, or those hospitals may appoint a  
19 graduate of an approved school as such a resident for  
20 purposes of postgraduate training. Those instructors and  
21 residents may practice and be compensated as provided  
22 in paragraph (1), but that practice and compensation  
23 shall be for a period not to exceed one year.

24 (b) This section shall become inoperative on July 1,  
25 2000, and as of January 1, 2001, is repealed, unless a later  
26 enacted statute, which becomes effective on or before  
27 January 1, 2001, deletes or extends the dates on which it  
28 becomes inoperative and is repealed.

29 SEC. 27. Section 2475 of the Business and Professions  
30 Code, as amended by Section 20 of Chapter 736 of the  
31 Statutes of 1998, is amended to read:

32 2475. (a) Unless otherwise provided by law, no  
33 postgraduate trainee, intern, resident postdoctoral  
34 fellow, or instructor may engage in the practice of  
35 podiatric medicine, or receive compensation therefor, or  
36 offer to engage in the practice of podiatric medicine  
37 unless he or she holds a valid, unrevoked, and  
38 unsuspended certificate to practice podiatric medicine  
39 issued by the division. However, a graduate of an  
40 approved college or school of podiatric medicine upon

1 whom the degree doctor of podiatric medicine has been  
2 conferred, who is enrolled in a postgraduate training  
3 program approved by the board, may engage in the  
4 practice of podiatric medicine whenever and wherever  
5 required as a part of that program under the following  
6 conditions:

7 (1) A graduate in an approved internship, residency,  
8 or fellowship program may participate in training  
9 rotations outside the scope of podiatric medicine, under  
10 the supervision of a physician and surgeon who holds a  
11 medical doctor or doctor of osteopathy degree wherever  
12 and whenever required as a part of the training program,  
13 and may receive compensation for that practice. If the  
14 graduate fails to receive a license to practice podiatric  
15 medicine under this chapter within two years from the  
16 commencement of the postgraduate training, all  
17 privileges and exemptions under this section shall  
18 automatically cease.

19 (2) Podiatric hospitals functioning as a part of the  
20 teaching program of an approved college or school of  
21 podiatric medicine in this state may exchange instructors  
22 or resident or assistant resident podiatrists with another  
23 approved college or school of podiatric medicine not  
24 located in this state, or those hospitals may appoint a  
25 graduate of an approved school as such a resident for  
26 purposes of postgraduate training. Those instructors and  
27 residents may practice and be compensated as provided  
28 in paragraph (1), but that practice and compensation  
29 shall be for a period not to exceed one year.

30 (b) This section shall become operative on July 1, 2000.

31 SEC. 28. Section 2499.5 of the Business and  
32 Professions Code is amended to read:

33 2499.5. The following fees apply to certificates to  
34 practice podiatric medicine. The amount of fees  
35 prescribed for doctors of podiatric medicine shall be those  
36 set forth in this section unless a lower fee is established by  
37 the board in accordance with Section 2499.6. Fees  
38 collected pursuant to this section shall be fixed by the  
39 board in amounts not to exceed the actual costs of  
40 providing the service for which the fee is collected.

1 (a) Each applicant for a certificate to practice  
2 podiatric medicine shall pay an application fee of twenty  
3 dollars (\$20) at the time the application is filed. If the  
4 applicant qualifies for a certificate, he or she shall pay a  
5 fee which shall be fixed by the board at an amount not to  
6 exceed one hundred dollars (\$100) nor less than five  
7 dollars (\$5) for the issuance of the certificate.

8 (b) The oral examination fee shall be seven hundred  
9 dollars (\$700), or the actual cost, whichever is lower, and  
10 shall be paid by each applicant. If the applicant's  
11 credentials are insufficient or if the applicant does not  
12 desire to take the examination, and has so notified the  
13 board 30 days prior to the examination date, only the  
14 examination fee is returnable to the applicant. The board  
15 may charge an examination fee for any subsequent  
16 reexamination of the applicant.

17 (c) Each applicant who qualifies for a certificate, as a  
18 condition precedent to its issuance, in addition to other  
19 fees required by this section, shall pay an initial license  
20 fee. The initial license fee shall be eight hundred dollars  
21 (\$800). The initial license shall expire the second year  
22 after its issuance on the last day of the month of birth of  
23 the licensee. The board may reduce the initial license fee  
24 by up to 50 percent of the amount of the fee for any  
25 applicant who is enrolled in a postgraduate training  
26 program approved by the board or who has completed a  
27 postgraduate training program approved by the board  
28 within six months prior to the payment of the initial  
29 license fee.

30 (d) The biennial renewal fee shall be eight hundred  
31 dollars (\$800). Any licensee enrolled in an approved  
32 residency program shall be required to pay only 50  
33 percent of the biennial renewal fee at the time of his or  
34 her first renewal.

35 (e) The delinquency fee is one hundred fifty dollars  
36 (\$150).

37 (f) The duplicate wall certificate fee is forty dollars  
38 (\$40).

39 (g) The duplicate renewal receipt fee is forty dollars  
40 (\$40).

1 (h) The endorsement fee is thirty dollars (\$30).

2 (i) The letter of good standing fee or for loan  
3 deferment is thirty dollars (\$30).

4 (j) There shall be a fee of sixty dollars (\$60) for the  
5 issuance of a limited license under Section 2475.

6 (k) The filing fee to appeal the failure of an oral  
7 examination shall be twenty-five dollars (\$25).

8 (l) The fee for approval of a continuing education  
9 course or program shall be one hundred dollars (\$100).

10 SEC. 29. Section 2506 of the Business and Professions  
11 Code is amended to read:

12 2506. As used in this article the following definitions  
13 shall apply:

14 (a) "Board" means the Division of Licensing of the  
15 Medical Board of California.

16 (b) "Licensed midwife" means an individual to whom  
17 a license to practice midwifery has been issued pursuant  
18 to this article.

19 (c) "Certified nurse-midwife" means a person to  
20 whom a certificate has been issued pursuant to Article 2.5  
21 (commencing with Section 2746) of Chapter 6.

22 (d) "Accrediting organization" means an organization  
23 approved by the board.

24 SEC. 30. Section 2512.5 of the Business and  
25 Professions Code is amended to read:

26 2512.5. A person is qualified for a license to practice  
27 midwifery when he or she satisfies one of the following  
28 requirements:

29 (a) (1) Successful completion of a three-year  
30 postsecondary midwifery education program accredited  
31 by an accrediting organization approved by the board.  
32 Upon successful completion of the education  
33 requirements of this article, the applicant shall  
34 successfully complete a comprehensive licensing  
35 examination adopted by the board which is equivalent,  
36 but not identical, to the examination given by the  
37 American College of Nurse Midwives. The examination  
38 for licensure as a midwife may be conducted by the  
39 Division of Licensing under a uniform examination  
40 system, and the division may contract with organizations

1 to administer the examination in order to carry out this  
2 purpose. The Division of Licensing may, in its discretion,  
3 designate additional written examinations for midwifery  
4 licensure that the division determines are equivalent to  
5 the examination given by the American College of Nurse  
6 Midwives.

7 (2) The midwifery education program curriculum  
8 shall consist of not less than 84 semester units or 126  
9 quarter units. The course of instruction shall be presented  
10 in semester or quarter units under the following formula:

11 (A) One hour of instruction in the theory each week  
12 throughout a semester or quarter equals one unit.

13 (B) Three hours of clinical practice each week  
14 throughout a semester or quarter equals one unit.

15 (3) The midwifery education program shall provide  
16 both academic and clinical preparation equivalent, but  
17 not identical to that provided in programs accredited by  
18 the American College of Nurse Midwives, which shall  
19 include, but not be limited to, preparation in all of the  
20 following areas:

21 (A) The art and science of midwifery, one-half of  
22 which shall be in theory and one-half of which shall be in  
23 clinical practice. Theory and clinical practice shall be  
24 concurrent in the areas of maternal and child health,  
25 including, but not limited to, labor and delivery, neonatal  
26 well care, and postpartum care.

27 (B) Communications skills that include the principles  
28 of oral, written, and group communications.

29 (C) Anatomy and physiology, genetics, obstetrics and  
30 gynecology, embryology and fetal development,  
31 neonatology, applied microbiology, chemistry, child  
32 growth and development, pharmacology, nutrition,  
33 laboratory diagnostic tests and procedures, and physical  
34 assessment.

35 (D) Concepts in psychosocial, emotional, and cultural  
36 aspects of maternal and child care, human sexuality,  
37 counseling and teaching, maternal and infant and family  
38 bonding process, breast feeding, family planning,  
39 principles of preventive health, and community health.

(E) Aspects of the normal pregnancy, labor and delivery, postpartum period, newborn care, family planning or routine gynecological care in alternative birth centers, homes, and hospitals.

(F) The following shall be integrated throughout the entire curriculum:

(i) Midwifery process.

(ii) Basic intervention skills in preventive, remedial, and supportive midwifery.

(iii) The knowledge and skills required to develop collegial relationships with health care providers from other disciplines.

(iv) Related behavioral and social sciences with emphasis on societal and cultural patterns, human development, and behavior related to maternal and child health, illness, and wellness.

(G) Instruction shall also be given in personal hygiene, client abuse, cultural diversity, and the legal, social, and ethical aspects of midwifery.

(H) The program shall include the midwifery management process, which shall include all of the following:

(i) Obtaining or updating a defined and relevant data base for assessment of the health status of the client.

(ii) Identifying problems based upon correct interpretation of the data base.

(iii) Preparing a defined needs or problem list, or both, with corroboration from the client.

(iv) Consulting, collaborating with, and referring to, appropriate members of the health care team.

(v) Providing information to enable clients to make appropriate decisions and to assume appropriate responsibility for their own health.

(vi) Assuming direct responsibility for the development of comprehensive, supportive care for the client and with the client.

(vii) Assuming direct responsibility for implementing the plan of care.

(viii) Initiating appropriate measures for obstetrical and neonatal emergencies.

(ix) Evaluating, with corroboration from the client, the achievement of health care goals and modifying the plan of care appropriately.

(b) Successful completion of an educational program that the board has determined satisfies the criteria of subdivision (a) and current licensure as a midwife by a state with licensing standards that have been found by the board to be equivalent to those adopted by the board pursuant to this article.

SEC. 31. Section 2513 of the Business and Professions Code is amended to read:

2513. (a) An approved midwifery education program shall offer the opportunity for students to obtain credit by examination for previous midwifery education and clinical experience. The applicant shall demonstrate, by practical examination, the clinical competencies described in Section 2514 or established by regulation pursuant to Section 2514.5. The midwifery education program's credit by examination policy shall be approved by the board, and shall be available to applicants upon request. The proficiency and practical examinations shall be approved by the board.

(b) Completion of clinical experiences shall be verified by a licensed midwife or certified nurse-midwife, and a physician and surgeon, all of whom shall be current in the knowledge and practice of obstetrics and midwifery. Physicians and surgeons, licensed midwives, and certified nurse-midwives who participate in the verification and evaluation of an applicant's clinical experiences shall show evidence of current practice. The method used to verify clinical experiences shall be approved by the board.

(c) Upon successful completion of the requirements of paragraphs (1) and (2), the applicant shall also complete the licensing examination described in paragraph (1) of subdivision (a) of Section 2512.5.

SEC. 32. Section 2520 of the Business and Professions Code is amended to read:

2520. (a) (1) The fee to be paid upon the filing of a license application shall be fixed by the board at not less



1 than seventy-five dollars (\$75) nor more than three  
2 hundred dollars (\$300).

3 (2) The fee for renewal of the midwife license shall be  
4 fixed by the board at not less than fifty dollars (\$50) nor  
5 more than two hundred dollars (\$200).

6 (3) The delinquency fee for renewal of the midwife  
7 license shall be 50 percent of the renewal fee in effect on  
8 the date of the renewal of the license, but not less than  
9 twenty-five dollars (\$25) nor more than fifty dollars  
10 (\$50).

11 (4) The fee for the examination shall be the cost of  
12 administering the examination to the applicant, as  
13 determined by the organization that has entered into a  
14 contract with the Division of Licensing for the purposes  
15 set forth in subdivision (a) of Section 2512.5.  
16 Notwithstanding subdivision (b), that fee may be  
17 collected and retained by that organization.

18 (b) The fees prescribed by this article shall be  
19 deposited in the Licensed Midwifery Fund, which is  
20 hereby established, and shall be available, upon  
21 appropriation, to the board for the purposes of this article.

22 SEC. 33. Section 2532.3 of the Business and  
23 Professions Code is amended to read:

24 2532.3. (a) Upon approval of an application filed  
25 pursuant to Section 2532.1, and upon the payment of the  
26 fee prescribed by subdivision (i) of Section 2534.2, the  
27 board may issue a temporary license for a period of six  
28 months from the date of issuance to a speech-language  
29 pathologist or audiologist who holds an unrestricted  
30 license from another state or territory of the United States  
31 or who holds equivalent qualifications as determined by  
32 the board and has made application to the board for a  
33 license in this state.

34 (b) A temporary license shall terminate upon notice  
35 thereof by certified mail, return receipt requested, if it is  
36 issued by mistake or if the application for permanent  
37 licensure is denied.

38 (c) Upon written application, the board may reissue a  
39 temporary license to any person who has applied for a  
40 regular renewable license pursuant to Section 2532.1, and



1 who, in the judgment of the board, has been excusably  
2 delayed in completing his or her application or the  
3 minimum requirements for a regular license. The board  
4 may not reissue a temporary license more than twice to  
5 any one person.

6 SEC. 33.1. Section 2532.6 of the Business and  
7 Professions Code is amended to read:

8 2532.6. (a) The Legislature recognizes that the  
9 education and experience requirements of this chapter  
10 constitute only minimal requirements to assure the  
11 public of professional competence. The Legislature  
12 encourages all professionals licensed and registered by  
13 the board under this chapter to regularly engage in  
14 continuing professional development and learning that is  
15 related and relevant to the professions of  
16 speech-language pathology and audiology.

17 (b) After January 1, 2001, the board shall not renew  
18 any license or registration pursuant to this chapter unless  
19 the applicant certifies to the board that he or she has  
20 completed in the preceding two years not less than the  
21 minimum number of continuing professional  
22 development hours established by the board pursuant to  
23 subdivision (c) for the professional practice authorized  
24 by his or her license or registration.

25 (c) (1) The board shall prescribe the forms utilized  
26 for and the number of hours of required continuing  
27 professional development for persons licensed or  
28 registered under this chapter.

29 (2) The board shall have the right to audit the records  
30 of any applicant to verify the completion of the  
31 continuing professional development requirements.

32 (3) Applicants shall maintain records of completion of  
33 required continuing professional development  
34 coursework for a minimum of two years and shall make  
35 these records available to the board for auditing purposes  
36 upon request.

37 (d) The board shall establish exceptions from the  
38 continuing professional development requirements of  
39 this section for good cause as defined by the board.

(e) (1) The continuing professional development services shall be obtained from accredited institutions of higher learning, nonprofit educational or professional associations, or other entities or organizations approved by the board, in its discretion.

(2) The continuing professional development services offered by these entities may, but are not required to, utilize pretesting and posttesting or other evaluation techniques to measure and demonstrate improved professional learning and competency.

(f) The board, by regulation, shall fund the administration of this section through professional development services provider and licensing fees to be deposited in the Speech-Language Pathology and Audiology Board Fund. The fees related to the administration of this section shall be sufficient to meet, but shall not exceed, the costs of administering the corresponding provisions of this section.

(g) The continuing professional development requirements adopted by the board shall comply with any guidelines for mandatory continuing education established by the Department of Consumer Affairs.

SEC. 33.2. Section 2538.1 of the Business and Professions Code is amended to read:

2538.1. (a) The board shall adopt regulations, in collaboration with the State Department of Education, the Commission on Teacher Credentialing, and the Advisory Commission on Special Education, that set forth standards and requirements for the adequate supervision of speech-language pathology assistants.

(b) The board shall adopt regulations as reasonably necessary to carry out the purposes of this article, that shall include, but need not be limited to, the following:

(1) Procedures and requirements for application, registration, renewal, suspension, and revocation.

(2) Standards for approval of Associate Degree Speech-Language Pathology Assistant training programs based upon standards and curriculum guidelines established by the National Council on Academic Accreditation in Audiology and Speech-Language

1 Pathology, or the American Speech-Language-Hearing  
2 Association, or equivalent formal training programs  
3 consisting of two years of technical education, including  
4 supervised field placements.

5 (3) The scope of responsibility, duties, and functions of  
6 speech-language pathology assistants, that shall include,  
7 but not be limited to, all of the following:

8 (A) Conducting speech-language screening, without  
9 interpretation, and using screening protocols developed  
10 by the supervising speech-language pathologist.

11 (B) Providing direct treatment assistance to patients  
12 or clients under the supervision of a speech-language  
13 pathologist.

14 (C) Following and implementing documented  
15 treatment plans or protocols developed by a supervising  
16 speech-language pathologist.

17 (D) Documenting patient or client progress toward  
18 meeting established objectives, and reporting the  
19 information to a supervising speech-language  
20 pathologist.

21 (E) Assisting a speech-language pathologist during  
22 assessments, including, but not limited to, assisting with  
23 formal documentation, preparing materials, and  
24 performing clerical duties for a supervising  
25 speech-language pathologist.

26 (F) When competent to do so, as determined by the  
27 supervising speech-language pathologist, acting as an  
28 interpreter for non-English-speaking patients or clients  
29 and their family members.

30 (G) Scheduling activities and preparing charts,  
31 records, graphs, and data.

32 (H) Performing checks and maintenance of  
33 equipment, including, but not limited to, augmentative  
34 communication devices.

35 (I) Assisting with speech-language pathology research  
36 projects, in-service training, and family or community  
37 education.

38 The regulations shall provide that speech-language  
39 pathology assistants are not authorized to conduct  
40 evaluations, interpret data, alter treatment plans, or

1 perform any task without the express knowledge and  
2 approval of a supervising speech-language pathologist.

3 (4) The requirements for the wearing of  
4 distinguishing name badges with the title of  
5 speech-language pathology assistant.

6 (5) Minimum continuing professional development  
7 requirements for the speech-language pathology  
8 assistant, not to exceed 12 hours in a two-year period. The  
9 speech-language pathology assistant's supervisor shall act  
10 as a professional development advisor. The  
11 speech-language pathology assistant's professional  
12 growth may be satisfied with successful completion of  
13 state or regional conferences, workshops, formal  
14 in-service presentations, independent study programs, or  
15 any combination of these concerning communication and  
16 related disorders.

17 (6) Minimum continuing professional development  
18 requirements for the supervisor of a speech-language  
19 pathology assistant.

20 (7) The type and amount of direct and indirect  
21 supervision required for speech-language pathology  
22 assistants.

23 (8) The maximum number of assistants permitted per  
24 supervisor.

25 (9) A requirement that the supervising  
26 speech-language pathologist shall remain responsible and  
27 accountable for clinical judgments and decisions and the  
28 maintenance of the highest quality and standards of  
29 practice when a speech-language pathology assistant is  
30 utilized.

31 SEC. 33.3. Section 2565 of the Business and  
32 Professions Code is amended to read:

33 2565. The amount of fees prescribed in connection  
34 with the registration of dispensing opticians shall be as set  
35 forth in this section unless a lower fee is fixed by the  
36 division:

37 (a) The initial registration fee is one hundred dollars  
38 (\$100).

39 (b) The renewal fee is one hundred dollars (\$100).

40 (c) The delinquency fee is twenty-five dollars (\$25).

1 (d) The fee for replacement of a lost, stolen, or  
2 destroyed certificate is twenty-five dollars (\$25).

3 This section shall become operative on January 1, 1988.

4 SEC. 34. Section 2566 of the Business and Professions  
5 Code is amended to read:

6 2566. The amount of fees prescribed in connection  
7 with certificates for contact lens dispensers, unless a  
8 lower fee is fixed by the division, is as follows:

9 (a) The application fee for a registered contact lens  
10 dispenser shall be one hundred dollars (\$100).

11 (b) The biennial fee for the renewal of certificates  
12 shall be fixed by the division in an amount not to exceed  
13 one hundred dollars (\$100).

14 (c) The delinquency fee is twenty-five dollars (\$25).

15 (d) The division may by regulation provide for a  
16 refund of a portion of the application fee to applicants  
17 who do not meet the requirements for registration.

18 (e) The fee for replacement of a lost, stolen, or  
19 destroyed certificate is twenty-five dollars (\$25).

20 This section shall become operative on January 1, 1988.

21 SEC. 35. Section 2566.1 of the Business and  
22 Professions Code is amended to read:

23 2566.1. The amount of fees prescribed in connection  
24 with certificates for spectacle lens dispensers shall be as  
25 set forth in this section unless a lower fee is fixed by the  
26 division:

27 (a) The initial registration fee is one hundred dollars  
28 (\$100).

29 (b) The renewal fee shall be one hundred dollars  
30 (\$100).

31 (c) The delinquency fee is twenty-five dollars (\$25).

32 (d) The fee for replacement of a lost, stolen or  
33 destroyed certificate is twenty-five dollars (\$25).

34 SEC. 36. Section 2770.2 of the Business and  
35 Professions Code is amended to read:

36 2770.2. One or more diversion evaluation committees  
37 is hereby created in the state to be established by the  
38 board. Each committee shall be composed of five persons  
39 appointed by the board. No board member shall serve on  
40 any committee.

1 Each committee shall have the following composition:

2 (a) Three registered nurses, holding active California  
3 licenses, who have demonstrated expertise in the field of  
4 chemical dependency or psychiatric nursing.

5 (b) One physician, holding an active California  
6 license, who specializes in the diagnosis and treatment of  
7 addictive diseases or mental illness.

8 (c) One public member who is knowledgeable in the  
9 field of chemical dependency or mental illness.

10 It shall require a majority vote of the board to appoint  
11 a person to a committee. Each appointment shall be at the  
12 pleasure of the board for a term not to exceed four years.  
13 In its discretion the board may stagger the terms of the  
14 initial members appointed.

15 SEC. 37. Section 2770.8 of the Business and  
16 Professions Code is amended to read:

17 2770.8. Each committee shall have the following  
18 duties and responsibilities:

19 (a) To evaluate those registered nurses who request  
20 participation in the program according to the guidelines  
21 prescribed by the board.

22 (b) To review and designate those treatment services  
23 to which registered nurses in a diversion program may be  
24 referred.

25 (c) To receive and review information concerning a  
26 registered nurse participating in the program.

27 (d) To consider in the case of each registered nurse  
28 participating in a program whether he or she may with  
29 safety continue or resume the practice of nursing.

30 (e) To call meetings as necessary to consider the  
31 requests of registered nurses to participate in a diversion  
32 program, and to consider reports regarding registered  
33 nurses participating in a program.

34 (f) To set forth in writing for each registered nurse  
35 participating in a program a rehabilitation program  
36 established for that registered nurse with the  
37 requirements for supervision and surveillance.

38 SEC. 38. Section 2770.11 of the Business and  
39 Professions Code is amended to read:



1 2770.11. (a) Each registered nurse who requests  
2 participation in a diversion program shall agree to  
3 cooperate with the rehabilitation program designed by a  
4 committee. Any failure to comply with the provisions of  
5 a rehabilitation program may result in termination of the  
6 registered nurse's participation in a program. The name  
7 and license number of a registered nurse who is  
8 terminated for any reason, other than successful  
9 completion, shall be reported to the board's enforcement  
10 program.

11 (b) If a committee determines that a registered nurse,  
12 who is terminated from the program, presents a threat to  
13 the public or his or her own health and safety, the  
14 committee shall report the name and license number,  
15 along with a copy of all diversion records for that  
16 registered nurse, to the board's enforcement program.  
17 The board may use any of the records it receives under  
18 this subdivision in any disciplinary proceeding.

19 SEC. 39. Section 2770.12 of the Business and  
20 Professions Code is repealed.

21 SEC. 39.1. Section 2770.12 is added to the Business and  
22 Professions Code, to read:

23 2770.12. (a) After a committee in its discretion has  
24 determined that a registered nurse has successfully  
25 completed the diversion program, all records pertaining  
26 to the registered nurse's participation in the diversion  
27 program shall be purged.

28 (b) All board and committee records and records of a  
29 proceeding pertaining to the participation of a registered  
30 nurse in the diversion program shall be kept confidential  
31 and are not subject to discovery or subpoena, except as  
32 specified in subdivision (b) of Section 2770.11 and  
33 subdivision (c).

34 (c) A registered nurse shall be deemed to have waived  
35 any rights granted by any laws and regulations relating to  
36 confidentiality of the diversion program, if he or she does  
37 any of the following:

38 (1) Presents information relating to any aspect of the  
39 diversion program during any stage of the disciplinary  
40 process subsequent to the filing of an accusation,



1 statement of issues, or petition to compel an examination  
2 pursuant to Article 12.5 (commencing with Section 820)  
3 of Chapter 1. The waiver shall be limited to information  
4 necessary to verify or refute any information disclosed by  
5 the registered nurse.

6 (2) Files a lawsuit against the board relating to any  
7 aspect of the diversion program.

8 (3) Claims in defense to a disciplinary action, *based on*  
9 *a complaint that led to the registered nurse's*  
10 *participation in the diversion program*, that he or she was  
11 prejudiced by the length of time that passed between the  
12 alleged violation and the filing of the accusation. *The*  
13 *waiver shall be limited to information necessary to*  
14 *document the length of time the registered nurse*  
15 *participated in the diversion program.*

16 SEC. 40. Section 2770.13 of the Business and  
17 Professions Code is amended to read:

18 2770.13. The board shall provide for the legal  
19 representation of any person making reports under this  
20 article to a committee or the board in any action for  
21 defamation directly resulting from those reports  
22 regarding a registered nurse's participation in a diversion  
23 program.

24 SEC. 41. Section 2770.14 of the Business and  
25 Professions Code is amended to read:

26 2770.14. (a) The board shall produce reports which  
27 include, but are not limited to, information concerning  
28 the number of cases accepted, denied, or terminated with  
29 compliance or noncompliance.

30 (b) The board shall conduct a periodic cost analysis of  
31 the program.

32 SEC. 41.2. Section 2843 of the Business and  
33 Professions Code is amended to read:

34 2843. Members of the board shall be appointed for a  
35 term of four years. Vacancies occurring shall be filled by  
36 appointment for the unexpired term.

37 Appointments to the office shall be for a term of four  
38 years expiring on June 1st.

39 The Governor shall appoint four of the public members  
40 and the licensed members of the board qualified as

1 provided in Section 2842. The Senate Rules Committee  
2 and the Speaker of the Assembly shall each appoint a  
3 public member, and their initial appointment shall be  
4 made to fill, respectively, the first and second public  
5 member vacancies which occur on or after January 1,  
6 1983.

7 SEC. 42. Section 2895 of the Business and Professions  
8 Code is amended to read:

9 2895. The amount of the fees prescribed by this  
10 chapter in connection with the issuance of licenses under  
11 its provisions is that fixed by the following schedule:

12 (a) The fee to be paid upon the filing of an application  
13 shall be in an amount not less than seventy-five dollars  
14 (\$75) and may be fixed by the board at an amount no  
15 more than one hundred fifty dollars (\$150).

16 (b) The fee to be paid for taking each examination  
17 shall be the actual cost to purchase the examination from  
18 a vendor approved by the board.

19 (c) The fee to be paid for any examination after the  
20 first shall be in an amount not less than seventy-five  
21 dollars (\$75) and may be fixed by the board at an amount  
22 no more than one hundred fifty dollars (\$150).

23 (d) The biennial renewal fee to be paid upon the filing  
24 of an application for renewal shall be in an amount not less  
25 than one hundred dollars (\$100) and may be fixed by the  
26 board at an amount no more than one hundred fifty  
27 dollars (\$150).

28 (e) Notwithstanding Section 163.5, the delinquency  
29 fee for failure to pay the biennial renewal fee within the  
30 prescribed time shall be in an amount not less than fifty  
31 dollars (\$50) and may be fixed by the board at not more  
32 than 50 percent of the regular renewal fee and in no case  
33 more than seventy-five dollars (\$75).

34 (f) The initial license fee is an amount equal to the  
35 biennial renewal fee in effect on the date the application  
36 for the license is filed.

37 (g) The fee to be paid for an interim permit shall be  
38 in an amount not less than forty dollars (\$40) and may be  
39 fixed by the board at an amount no more than fifty dollars  
40 (\$50).

(h) The fee to be paid for a duplicate license shall be in an amount not less than twenty-five dollars (\$25) and may be fixed by the board at an amount no more than fifty dollars (\$50).

(i) The fee to be paid for processing endorsement papers to other states shall be in an amount not less than seventy-five dollars (\$75) and may be fixed by the board at an amount no more than one hundred dollars (\$100).

No further fee shall be required for a license or a renewal thereof other than as prescribed by this chapter.

SEC. 43. Section 2960 of the Business and Professions Code is amended to read:

2960. The board may refuse to issue any registration or license, or may issue a registration or license with terms and conditions, or may suspend or revoke the registration or license of any registrant or licensee if the applicant, registrant, or licensee has been guilty of unprofessional conduct. Unprofessional conduct shall include, but not be limited to:

(a) Conviction of a crime substantially related to the qualifications, functions or duties of a psychologist or psychological assistant.

(b) Use of any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or dangerous drug, or any alcoholic beverage to an extent or in a manner dangerous to himself or herself, any other person, or the public, or to an extent that this use impairs his or her ability to perform the work of a psychologist with safety to the public.

(c) Fraudulently or neglectfully misrepresenting the type or status of license or registration actually held.

(d) Impersonating another person holding a psychology license or allowing another person to use his or her license or registration.

(e) Using fraud or deception in applying for a license or registration or in passing the examination provided for in this chapter.

1 (f) Paying, or offering to pay, accepting, or soliciting  
2 any consideration, compensation, or remuneration,  
3 whether monetary or otherwise, for the referral of clients.

4 (g) Violating Section 17500.

5 (h) Willful, unauthorized communication of  
6 information received in professional confidence.

7 (i) Violating any rule of professional conduct  
8 promulgated by the board and set forth in regulations  
9 duly adopted under this chapter.

10 (j) Being grossly negligent in the practice of his or her  
11 profession.

12 (k) Violating any of the provisions of this chapter or  
13 regulations duly adopted thereunder.

14 (l) The aiding or abetting of any person to engage in  
15 the unlawful practice of psychology.

16 (m) The suspension, revocation or imposition of  
17 probationary conditions by another state or country of a  
18 license or certificate to practice psychology or as a  
19 psychological assistant issued by that state or country to  
20 a person also holding a license or registration issued under  
21 this chapter if the act for which the disciplinary action was  
22 taken constitutes a violation of this section.

23 (n) The commission of any dishonest, corrupt, or  
24 fraudulent act.

25 (o) Commencing January 1, 1999, until January 1, 2001,  
26 any act of sexual abuse, or sexual relations with a patient  
27 or former patient within two years following termination  
28 of therapy, or sexual misconduct that is substantially  
29 related to the qualifications, functions or duties of a  
30 psychologist or psychological assistant or registered  
31 psychologist.

32 On and after January 1, 2001, any act of sexual abuse, or  
33 sexual relations with a patient, or sexual misconduct that  
34 is substantially related to the qualifications, functions, or  
35 duties of a psychologist, psychological assistant, or  
36 registered psychologist.

37 (p) Functioning outside of his or her particular field or  
38 fields of competence as established by his or her  
39 education, training, and experience.

1 (q) Willful failure to submit, on behalf of an applicant  
2 for licensure, verification of supervised experience to the  
3 board.

4 (r) Repeated acts of negligence.

5 The board shall study and report to the Legislature on  
6 or before July 1, 2000, concerning the efficacy of the  
7 prohibition contained in subdivision (o).

8 SEC. 44. Section 4008 of the Business and Professions  
9 Code is amended to read:

10 4008. (a) Except as provided by Section 159.5, the  
11 board may employ inspectors of pharmacy. The  
12 inspectors, whether the inspectors are employed by the  
13 board or the department's Division of Investigation, may  
14 inspect during business hours all pharmacies, medical  
15 device retailers, dispensaries, stores, or places in which  
16 drugs or devices are compounded, prepared, furnished,  
17 dispensed, or stored. Any board inspector of pharmacy  
18 whose principal duties include either (1) the inspection  
19 and investigation of pharmacies or pharmacists for  
20 alleged violations of this act, or (2) the supervision of  
21 other inspectors of pharmacy, shall be a pharmacist. For  
22 purposes of inspecting or investigating nonpharmacies or  
23 nonpharmacists pursuant to this chapter, a board  
24 inspector of pharmacy is not required to be a pharmacist.  
25 The salary of inspectors of pharmacy who are pharmacists  
26 shall be within 5 percent parity of pharmacists employed  
27 by the University of California.

28 (b) Notwithstanding subdivision (a), a pharmacy  
29 inspector may inspect or examine a physician's office or  
30 clinic that does not have a permit under Section 4180 or  
31 4190 only to the extent necessary to determine  
32 compliance with and to enforce either Section 4080 or  
33 4081.

34 (c) (1) Any pharmacy inspector employed by the  
35 board or in the department's Division of Investigation  
36 shall have the authority, as a public officer, to arrest,  
37 without warrant, any person whenever the officer has  
38 reasonable cause to believe that the person to be arrested  
39 has, in his or her presence, violated any provision of this  
40 chapter or of Division 10 (commencing with Section

1 11000) of the Health and Safety Code. If the violation is  
2 a felony, or if the arresting officer has reasonable cause to  
3 believe that the person to be arrested has violated any  
4 provision that is declared to be a felony, although no  
5 felony has in fact been committed, he or she may make  
6 an arrest although the violation or suspected violation did  
7 not occur in his or her presence.

8 (2) In any case in which an arrest authorized by this  
9 subdivision is made for an offense declared to be a  
10 misdemeanor, and the person arrested does not demand  
11 to be taken before a magistrate, the arresting inspector  
12 may, instead of taking the person before a magistrate,  
13 follow the procedure prescribed by Chapter 5C  
14 (commencing with Section 853.5) of Title 3 of Part 2 of  
15 the Penal Code. That chapter shall thereafter apply with  
16 reference to any proceeding based upon the issuance of  
17 a citation pursuant to this authority.

18 (d) There shall be no civil liability on the part of, and  
19 no cause of action shall arise against, any person, acting  
20 pursuant to subdivision (a) and within the scope of his or  
21 her authority, for false arrest or false imprisonment  
22 arising out of any arrest that is lawful, or that the arresting  
23 officer, at the time of the arrest, had reasonable cause to  
24 believe was lawful. No inspector shall be deemed an  
25 aggressor or lose his or her right to self-defense by the use  
26 of reasonable force to effect the arrest or to prevent  
27 escape or to overcome resistance.

28 (e) Any inspector may serve all processes and notices  
29 throughout the state.

30 SEC. 45. Section 4022 of the Business and Professions  
31 Code is amended to read:

32 4022. "Dangerous drug" or "dangerous device"  
33 means any drug or device unsafe for self-use, except  
34 veterinary drugs that are labeled as such, and includes the  
35 following:

36 (a) Any drug that bears the legend: "Caution: federal  
37 law prohibits dispensing without prescription," "Rx  
38 only," or words of similar import.

39 (b) Any device that bears the statement: "Caution:  
40 federal law restricts this device to sale by or on the order

1 of a \_\_\_\_\_,” “Rx only,” or words of similar import, the  
2 blank to be filled in with the designation of the  
3 practitioner licensed to use or order use of the device.

4 (c) Any other drug or device that by federal or state  
5 law can be lawfully dispensed only on prescription or  
6 furnished pursuant to Section 4006.

7 SEC. 46. Section 4040.5 is added to the Business and  
8 Professions Code, to read:

9 4040.5. “Reverse distributor” means every person  
10 who acts as an agent for pharmacies, drug wholesalers,  
11 manufacturers, and other entities by receiving,  
12 inventorying, and managing the disposition of outdated  
13 or nonsalable dangerous drugs.

14 SEC. 47. Section 4043 of the Business and Professions  
15 Code is amended to read:

16 4043. “Wholesaler” means and includes every person  
17 who acts as a wholesale merchant, broker, jobber,  
18 customs broker, reverse distributor, or agent, who sells  
19 for resale, or negotiates for distribution, or takes  
20 possession of, any drug or device included in Section 4022.  
21 Unless otherwise authorized by law, a wholesaler may not  
22 store, warehouse, or authorize the storage or  
23 warehousing of drugs with any person or at any location  
24 not licensed by the board.

25 SEC. 48. Section 4057 of the Business and Professions  
26 Code is amended to read:

27 4057. (a) Except as provided in Sections 4006, 4240,  
28 and 4342, this chapter does not apply to the retail sale of  
29 nonprescription drugs that are not subject to Section 4022  
30 and that are packaged or bottled in the manufacturer’s or  
31 distributor’s container and labeled in accordance with  
32 applicable federal and state drug labeling requirements.

33 (b) This chapter does not apply to specific dangerous  
34 drugs and dangerous devices listed in board regulations,  
35 where the sale or furnishing is made to any of the  
36 following:

37 (1) A physician, dentist, podiatrist, pharmacist,  
38 medical technician, medical technologist, optometrist, or  
39 chiropractor holding a currently valid and unrevoked



1 license and acting within the scope of his or her  
2 profession.

3 (2) A clinic, hospital, institution, or establishment  
4 holding a currently valid and unrevoked license or permit  
5 under Division 2 (commencing with Section 1200) of the  
6 Health and Safety Code, or Chapter 2 (commencing with  
7 Section 3300) of Division 3 of, or Part 2 (commencing  
8 with Section 6250) of Division 6 of, the Welfare and  
9 Institutions Code.

10 (c) This chapter shall not apply to a home health  
11 agency licensed under Chapter 8 (commencing with  
12 Section 1725) of, or a hospice licensed under Chapter 8.5  
13 (commencing with Section 1745) of, Division 2 of, the  
14 Health and Safety Code, when it purchases, stores,  
15 furnishes, or transports specific dangerous drugs and  
16 dangerous devices listed in board regulations in  
17 compliance with applicable law and regulations  
18 including:

19 (1) Dangerous devices described in subdivision (b) of  
20 Section 4022, as long as these dangerous devices are  
21 furnished only upon the prescription or order of a  
22 physician, dentist, or podiatrist.

23 (2) Hypodermic needles and syringes.

24 (3) Irrigation solutions of 50 cubic centimeters or  
25 greater.

26 (d) This chapter does not apply to the storage of  
27 devices in secure central or ward supply areas of a clinic,  
28 hospital, institution, or establishment holding a currently  
29 valid and unrevoked license or permit pursuant to  
30 Division 2 (commencing with Section 1200) of the Health  
31 and Safety Code, or pursuant to Chapter 2 (commencing  
32 with Section 3300) of Division 3 of, or Part 2  
33 (commencing with Section 6250) of Division 6 of, the  
34 Welfare and Institutions Code.

35 (e) This chapter does not apply to the retail sale of  
36 vitamins, mineral products, or combinations thereof or to  
37 foods, supplements, or nutrients used to fortify the diet of  
38 humans or other animals or poultry and labeled as such  
39 that are not subject to Section 4022 and that are packaged  
40 or bottled in the manufacturer's or distributor's container

1 and labeled in accordance with applicable federal and  
2 state labeling requirements.

3 (f) This chapter does not apply to the furnishing of  
4 dangerous drugs and dangerous devices to recognized  
5 schools of nursing. These dangerous drugs and dangerous  
6 devices shall not include controlled substances. The  
7 dangerous drugs and dangerous devices shall be used for  
8 training purposes only, and not for the cure, mitigation,  
9 or treatment of disease in humans. Recognized schools of  
10 nursing for purposes of this subdivision are those schools  
11 recognized as training facilities by the California Board of  
12 Registered Nursing.

13 SEC. 49. Section 4078 of the Business and Professions  
14 Code is amended to read:

15 4078. (a) (1) No person shall place a false or  
16 misleading label on a prescription.

17 (2) No prescriber shall direct that a prescription be  
18 labeled with any information that is false or misleading.

19 (b) Notwithstanding subdivision (a), a person may  
20 label a prescription, or a prescriber may direct that a  
21 prescription be labeled, with information about the drug  
22 that is false under either of the following circumstances:

23 (1) If the labeling is a necessary part of a clinical or  
24 investigational drug program approved by the federal  
25 Food and Drug Administration or a legitimate  
26 investigational drug project involving a drug previously  
27 approved by the federal Food and Drug Administration.

28 (2) If, in the medical judgment of the prescriber, the  
29 labeling is appropriate for the proper treatment of the  
30 patient.

31 (c) The furnisher of a prescription labeled pursuant to  
32 subdivision (b) shall make, and retain for three years  
33 from the date of making, a record stating the manner in  
34 which the information on the prescription label varies  
35 from the actual drug in the container and documenting  
36 the order of the prescriber to so label the container. The  
37 prescriber shall make, and retain for at least three years,  
38 a record of his or her order to so label the container.

39 SEC. 50. Section 4102 of the Business and Professions  
40 Code is amended to read:

1 4102. Notwithstanding Section 2038 or any other  
2 provision of law, a pharmacist may perform skin puncture  
3 in the course of routine patient assessment procedures.  
4 For purposes of this section, “routine” means procedures  
5 which a patient could, with or without a prescription,  
6 perform for him or herself. Any pharmacist who performs  
7 the service authorized by this section shall not be in  
8 violation of Section 2052.

9 SEC. 50.5. Section 4115.5 of the Business and  
10 Professions Code is amended to read:

11 4115.5. (a) Notwithstanding any other provision of  
12 law, a pharmacy technician student may be placed in a  
13 pharmacy as a pharmacy technician trainee to complete  
14 an externship for the purpose of obtaining practical  
15 training that is required by the board as a condition of  
16 becoming registered as a pharmacy technician. A  
17 “pharmacy technician student” is a person who is  
18 enrolled in a pharmacy technician training program  
19 operated by a California public postsecondary education  
20 institution or by a private postsecondary vocational  
21 institution approved by the Bureau for Private  
22 Postsecondary and Vocational Education.

23 (b) (1) A pharmacy technician trainee participating  
24 in an externship as described in subdivision (a) may  
25 perform the duties described in subdivision (a) of Section  
26 4115 only under the immediate, personal supervision and  
27 control of a pharmacist. A pharmacist supervising a  
28 pharmacy technician trainee shall be on the premises and  
29 have the trainee within his or her view at any time the  
30 trainee performs the duties described in subdivision (a)  
31 of Section 4115.

32 (2) A pharmacist supervising a pharmacy technician  
33 trainee participating in an externship as described in  
34 subdivision (a) shall be directly responsible for the  
35 conduct of the trainee.

36 (3) A pharmacist supervising a pharmacy technician  
37 trainee participating in an externship as described in  
38 subdivision (a) shall verify any prescription prepared by  
39 the trainee under supervision of the pharmacist by

1 initialing the prescription label before the medication is  
2 disbursed to a patient.

3 (4) No more than one pharmacy technician trainee  
4 per pharmacist may participate in an externship as  
5 described in subdivision (a) under the immediate,  
6 personal supervision and control of that pharmacist at any  
7 time the trainee is present in the pharmacy.

8 (5) A pharmacist supervising a pharmacy technician  
9 trainee participating in an externship as described in  
10 subdivision (a) shall certify attendance for the pharmacy  
11 technician trainee and certify that the pharmacy  
12 technician trainee has met the educational objectives  
13 established by California public postsecondary education  
14 institution or the private postsecondary vocational  
15 institution in which the trainee is enrolled, as established  
16 by the institution.

17 (c) (1) Except as described in paragraph (2), an  
18 externship in which a pharmacy technician trainee is  
19 participating as described in subdivision (a) shall be for  
20 a period of no more than 120 hours.

21 (2) When an externship in which a pharmacy  
22 technician trainee is participating as described in  
23 subdivision (a) involves rotation between a community  
24 and hospital pharmacy for the purpose of training the  
25 student in distinct practice settings, the externship may  
26 be for a period of up to 320 hours. No more than 120 of the  
27 320 hours may be completed in a community pharmacy  
28 setting or in a single department in a hospital pharmacy.

29 (d) An externship in which a pharmacy technician  
30 trainee may participate as described in subdivision (a)  
31 shall be for a period of no more than six consecutive  
32 months in a community pharmacy and for a total of no  
33 more than 12 months if the externship involves rotation  
34 between a community and hospital pharmacy. The  
35 externship shall be completed while the trainee is  
36 enrolled in a course of instruction at the institution.

37 (e) A pharmacy technician trainee participating in an  
38 externship as described in subdivision (a) shall wear  
39 identification that indicates his or her student status.

1 SEC. 51. Section 4200.5 of the Business and  
2 Professions Code is amended to read:

3 4200.5. (a) The board shall issue, upon application  
4 and payment of the fee established by Section 4400, a  
5 retired license to a pharmacist who has been licensed by  
6 the board for 20 years or longer, and who holds a license  
7 that is current and capable of being renewed pursuant to  
8 Section 4401, that is not suspended, revoked, or otherwise  
9 disciplined, or subject to pending discipline, under this  
10 chapter.

11 (b) The holder of a retired license issued pursuant to  
12 this section shall not engage in any activity for which an  
13 active pharmacist's license is required. A pharmacist  
14 holding a retired license shall be permitted to use the  
15 titles "retired pharmacist" or "pharmacist, retired."

16 (c) The holder of a retired license shall not be required  
17 to renew that license.

18 (d) In order for the holder of a retired license issued  
19 pursuant to this section to restore his or her license to  
20 active status, he or she shall pass the examination that is  
21 required for initial licensure with the board.

22 SEC. 52. Section 4202 of the Business and Professions  
23 Code is amended to read:

24 4202. (a) An applicant for registration as a pharmacy  
25 technician shall be issued a certificate of registration if he  
26 or she is a high school graduate or possesses a general  
27 education development equivalent, and meets any one of  
28 the following requirements:

29 (1) Has obtained an Associate of Arts degree in a field  
30 of study directly related to the duties performed by a  
31 pharmacy technician.

32 (2) Has completed a course of training specified by the  
33 board.

34 (3) Is eligible to take the board's pharmacist licensure  
35 examination, but has not been licensed by the board as a  
36 pharmacist. Once licensed as a pharmacist, the pharmacy  
37 technician registration is no longer valid and the  
38 pharmacy technician certificate of registration must be  
39 returned to the board within 15 days.

(4) Has provided satisfactory proof to the board of one year's experience performing the tasks specified in subdivision (a) of Section 4115 while employed or utilized as a pharmacy technician to assist in the filling of prescriptions for an inpatient of a hospital, for an inmate of a correctional facility, or experience deemed equivalent by the board.

(b) The board shall adopt regulations pursuant to this section for the registration of pharmacy technicians and for the specification of training courses as set out in paragraph (2) of subdivision (a). Proof of the qualifications of any applicant for registration as a pharmacy technician shall be made to the satisfaction of the board and shall be substantiated by any evidence as may be required by the board.

(c) The board shall conduct a criminal background check of the applicant to determine if an applicant has committed acts that would constitute grounds for denial of registration, pursuant to this chapter or Chapter 2 (commencing with Section 480) of Division 1.5.

(d) The board may suspend or revoke any registration issued pursuant to this section on any ground specified in Section 4301.

SEC. 53. Section 4402 of the Business and Professions Code is amended to read:

4402. (a) Any pharmacist license that is not renewed within three years following its expiration may not be renewed, restored, or reinstated and shall be canceled by operation of law at the end of the three-year period.

(b) (1) Any pharmacist whose license is canceled pursuant to subdivision (a) may obtain a new license if he or she takes and passes the examination that is required for initial license with the board.

(2) The board may impose conditions on any license issued pursuant to this section, as it deems necessary.

(c) A license that has been revoked by the board under former Section 4411 shall be deemed canceled three years after the board's revocation action, unless the board has acted to reinstate the license in the interim.

(d) This section shall not affect the authority of the board to proceed with any accusation that has been filed prior to the expiration of the three-year period.

(e) Any other license issued by the board may be canceled by the board if the license is not renewed within 60 days after its expiration. Any license canceled under this subdivision may not be reissued. Instead, a new application will be required.

SEC. 54. Section 4518 of the Business and Professions Code is amended to read:

4518. In the event the board adopts a continuing education program, the board may collect a biennial fee as prescribed under Section 4548 from any provider of a course in continuing education who requests approval by the board of the course for purposes of continuing education requirements adopted by the board. The fee, however, shall in no event exceed the cost required for the board to administer the approval of continuing education courses by continuing education providers.

SEC. 55. Section 4548 of the Business and Professions Code is amended to read:

4548. The amount of the fees prescribed by this chapter in connection with the issuance of licenses under its provisions shall be according to the following schedule:

(a) The fee to be paid upon the filing of an application shall be in an amount not less than one hundred dollars (\$100), and may be fixed by the board at an amount no more than one hundred fifty dollars (\$150).

(b) The fee to be paid for taking each examination shall be the actual cost to purchase an examination from a vendor approved by the board.

(c) The fee to be paid for any examination after the first shall be in an amount of not less than one hundred dollars (\$100), and may be fixed by the board at an amount no more than one hundred fifty dollars (\$150).

(d) The biennial renewal fee to be paid upon the filing of an application for renewal shall be in an amount not less than two hundred forty dollars (\$240), and may be fixed by the board at an amount no more than three hundred dollars (\$300).



1 (e) Notwithstanding Section 163.5, the delinquency  
2 fee for failure to pay the biennial renewal fee within the  
3 prescribed time shall be in an amount not less than one  
4 hundred twenty dollars (\$120) and may be fixed by the  
5 board at not more than 50 percent of the regular renewal  
6 fee and in no case more than one hundred fifty dollars  
7 (\$150).

8 (f) The initial license fee is an amount equal to the  
9 biennial renewal fee in effect on the date the application  
10 for the license is filed.

11 (g) The fee to be paid for an interim permit shall be  
12 in an amount no less than twenty dollars (\$20) and may  
13 be fixed by the board at an amount no more than fifty  
14 dollars (\$50).

15 (h) The fee to be paid for a duplicate license shall be  
16 in an amount not less than twenty dollars (\$20) and may  
17 be fixed by the board at an amount no more than fifty  
18 dollars (\$50).

19 (i) The fee to be paid for processing endorsement  
20 papers to other states shall be in an amount not less than  
21 twenty dollars (\$20) and may be fixed by the board at an  
22 amount no more than fifty dollars (\$50).

23 (j) The fee to be paid for postlicensure certification in  
24 blood withdrawal shall be in an amount not less than  
25 twenty dollars (\$20) and may be fixed by the board at an  
26 amount no more than fifty dollars (\$50).

27 (k) The biennial fee to be paid upon the filing of an  
28 application for renewal for a provider of an approved  
29 continuing education course or a course to meet the  
30 certification requirements for blood withdrawal shall be  
31 in an amount not less than one hundred fifty dollars  
32 (\$150), and may be fixed by the board at an amount no  
33 more than two hundred dollars (\$200).

34 SEC. 56. Section 4927 of the Business and Professions  
35 Code is amended to read:

36 4927. As used in this chapter, unless the context  
37 otherwise requires:

38 (a) “Board” means the Acupuncture ‘Board’.



1 (b) “Person” means any individual, organization, or  
2 corporate body, except that only individuals may be  
3 licensed under this chapter.

4 (c) “Acupuncturist” means an individual to whom a  
5 license has been issued to practice acupuncture pursuant  
6 to this chapter, which is in effect and is not suspended or  
7 revoked.

8 (d) “Acupuncture” means the stimulation of a certain  
9 point or points on or near the surface of the body by the  
10 insertion of needles to prevent or modify the perception  
11 of pain or to normalize physiological functions, including  
12 pain control, for the treatment of certain diseases or  
13 dysfunctions of the body and includes the techniques of  
14 electroacupuncture, cupping, and moxibustion.

15 SEC. 57. Section 4929 of the Business and Professions  
16 Code is amended to read:

17 4929. Four members of the board shall be  
18 acupuncturists with at least five years of experience in  
19 acupuncture and not licensed as physicians and surgeons,  
20 one member of the board shall be a physician and surgeon  
21 licensed in this state with two years of experience in  
22 acupuncture, and four members shall be public members  
23 who do not hold a license or certificate as a physician and  
24 surgeon or acupuncturist.

25 The Governor shall appoint the four acupuncturist  
26 members qualified as provided in this section, who shall  
27 be appointed to represent a cross section of the cultural  
28 backgrounds of licensed members of the acupuncturist  
29 profession, two of the public members, and the one  
30 licensed physician and surgeon member qualified as  
31 provided in this section. All members appointed to the  
32 board by the Governor shall be subject to confirmation by  
33 the Senate. The Senate Rules Committee and the Speaker  
34 of the Assembly shall each appoint a public member. Any  
35 member of the board may be removed by the appointing  
36 power for neglect of duty, misconduct, or malfeasance in  
37 office, after being provided with a written statement of  
38 the charges and an opportunity to be heard.

39 SEC. 58. Section 4929.5 of the Business and  
40 Professions Code is amended to read:

1 4929.5. In the reduction of the membership of the  
2 board or a successor board or entity from 11 to 9 members,  
3 the following transition provisions shall apply:

4 (a) Upon the first expiration, after January 1, 1999, of  
5 the term of a physician and surgeon member, the board  
6 shall be reduced to 10 members, five of whom shall be  
7 acupuncturist members, one of whom shall be a physician  
8 and surgeon, and four of whom shall be public members.  
9 Notwithstanding any other provision of law, the term of  
10 that physician and surgeon member shall not be extended  
11 for any reason.

12 (b) Upon the first expiration, after January 1, 2000, of  
13 the term of an acupuncturist member, the board shall be  
14 reduced to nine members, four of whom shall be  
15 acupuncturist members, one of whom shall be a physician  
16 and surgeon, and four of whom shall be public members.  
17 Notwithstanding any other provision of law, the term of  
18 that acupuncturist member shall not be extended for any  
19 reason.

20 SEC. 59. Section 4930 of the Business and Professions  
21 Code is amended to read:

22 4930. Each member of the board shall be appointed  
23 for a term of four years.

24 SEC. 60. Section 4931 of the Business and Professions  
25 Code is amended to read:

26 4931. Each member of the board shall receive per  
27 diem and expenses as provided in Section 103.

28 SEC. 61. Section 4933 of the Business and Professions  
29 Code is amended to read:

30 4933. (a) The board shall administer this chapter.

31 (b) The board may adopt, amend, or repeal, in  
32 accordance with the Administrative Procedure Act  
33 (Chapter 3.5 (commencing with Section 11340) of Part 1  
34 of Division 3 of Title 2 of the Government Code),  
35 regulations as may be necessary to enable it to carry into  
36 effect the provisions of law relating to the practice of  
37 acupuncture.

38 (c) A majority of the appointed members of the board  
39 shall constitute a quorum to conduct business.

(d) It shall require an affirmative vote of a majority of those present at a meeting of the board to take any action or pass any motion.

SEC. 62. Section 4934 of the Business and Professions Code is amended to read:

4934. The board shall employ personnel necessary for the administration of this chapter; however, the board may appoint an executive officer who is exempt from the provisions of the Civil Service Act.

This section shall become inoperative on July 1, 2003, and, as of January 1, 2004, is repealed, unless a later enacted statute, which becomes effective on or before January 1, 2004, deletes or extends the dates on which it becomes inoperative and is repealed.

The repeal of this section renders the board subject to the review required by Division 1.2 (commencing with Section 473).

SEC. 63. Section 4935 of the Business and Professions Code is amended to read:

4935. (a) Any person who practices acupuncture or holds himself or herself out as practicing or engaging in the practice of acupuncture, unless he or she possesses a current and valid acupuncturist's license, is guilty of a misdemeanor.

(b) Notwithstanding any other provision of law, any person, other than a physician and surgeon, a dentist, or a podiatrist, who is not licensed under this article but is licensed under Division 2 (commencing with Section 500), who practices acupuncture involving the application of a needle to the human body, performs any acupuncture technique or method involving the application of a needle to the human body, or directs, manages, or supervises another person in performing acupuncture involving the application of a needle to the human body is guilty of a misdemeanor.

(c) A person holds himself or herself out as engaging in the practice of acupuncture by the use of any title or description of services incorporating the words "acupuncture," "acupuncturist," "certified acupuncturist," "licensed acupuncturist," "oriental

1 medicine,” or any combination of those words, phrases, or  
2 abbreviations of those words or phrases, or by  
3 representing that he or she is trained, experienced, or an  
4 expert in the field of acupuncture, oriental medicine, or  
5 Chinese medicine.

6 (d) Subdivision (a) shall not prohibit a person from  
7 administering acupuncture treatment as part of his or her  
8 educational training when he or she:

9 (1) Is engaged in a course or tutorial program in  
10 acupuncture, as provided in this chapter; or

11 (2) Is a graduate of a school of acupuncture approved  
12 by the board and participating in a postgraduate review  
13 course that does not exceed six months in duration at a  
14 school approved by the board.

15 SEC. 64. Section 4940 of the Business and Professions  
16 Code is amended to read:

17 4940. (a) The board shall establish standards for the  
18 approval of tutorial programs for education and training  
19 in the practice of acupuncture, that satisfy the  
20 requirements of Section 4938. The board shall also  
21 establish standards for the approved supervising  
22 acupuncturists.

23 (b) An acupuncturist shall be approved to supervise a  
24 trainee, provided the supervisor meets the following  
25 conditions:

26 (1) Is licensed to practice acupuncture in this state and  
27 that license is current, valid, and has not been suspended  
28 or revoked or otherwise subject to disciplinary action.

29 (2) Has filed an application with the board.

30 (3) Files with the board the name of each trainee to be  
31 trained or employed and a training program satisfactory  
32 to the board.

33 (4) Does not train or employ more than two  
34 acupuncture trainees at any one time.

35 (5) Has at least 10 years of experience practicing as an  
36 acupuncturist and has been licensed in this state for at  
37 least five years.

38 (6) Is found by the board to have the knowledge  
39 necessary to educate and train the trainee in the practice  
40 of an acupuncturist.

1 The amendments made to this section at the 1993  
2 portion of the 1993–94 Regular Session of the Legislature  
3 shall not affect the approval of any supervising  
4 acupuncturist which has been issued prior to the effective  
5 date of those amendments.

6 SEC. 65. Section 4941 of the Business and Professions  
7 Code is amended to read:

8 4941. In reviewing applications for licensure based  
9 upon the completion of a tutorial program in  
10 acupuncture, the board may provide that credit is  
11 granted for relevant prior training and experience when  
12 that training or experience otherwise meets the  
13 standards set by the board.

14 SEC. 66. Section 4944 of the Business and Professions  
15 Code is amended to read:

16 4944. (a) The board shall have the authority to  
17 investigate and evaluate each and every applicant  
18 applying for a license to practice acupuncture and to  
19 make the final determination of the admission of the  
20 applicant to the examination, or for the issuance of a  
21 license, in conformance with the provisions of this  
22 chapter.

23 (b) The board shall investigate and evaluate each  
24 school or college applying for approval under Section  
25 4939 and may utilize and contract with consultants to  
26 evaluate those training programs.

27 (c) The board may delegate to the executive officer or  
28 other official of the board its authority under this section  
29 in routine matters.

30 SEC. 67. Section 4946 of the Business and Professions  
31 Code is amended to read:

32 4946. The board shall report to the Legislature on the  
33 31st day of January each year on the nature and extent of  
34 the standards, test, and experience requirements  
35 adopted pursuant to this chapter, as well as statistical  
36 information relating to the total number of persons  
37 certified under this chapter to that date and the number  
38 certified within the preceding year.

1 The report shall include recommendations for  
2 legislation if the board considers legislation to be  
3 necessary.

4 SEC. 68. Section 4947 of the Business and Professions  
5 Code is amended to read:

6 4947. (a) Nothing in this chapter shall be construed  
7 to prevent the practice of acupuncture by a person  
8 licensed as a dentist or a podiatrist, within the scope of  
9 their respective licenses, if the licensee has received a  
10 course of instruction in acupuncture. This course material  
11 shall be approved by the licensing board having  
12 jurisdiction over the licensee. The board shall assist the  
13 licensing boards in providing information as requested by  
14 the individual licensing boards.

15 (b) The course requirement set forth in subdivision  
16 (a) shall not apply to a podiatrist or dentist who has  
17 completed a course in acupuncture, including a  
18 continuing education course, and has utilized  
19 acupuncture prior to July 1, 1982.

20 SEC. 69. Section 4955 of the Business and Professions  
21 Code is amended to read:

22 4955. The board may deny, suspend, or revoke, or  
23 impose probationary conditions upon, the license of any  
24 acupuncturist if he or she is guilty of unprofessional  
25 conduct that has endangered or is likely to endanger the  
26 health, safety, or welfare of the public.

27 Unprofessional conduct shall include, but not be  
28 limited to, the following:

29 (a) Securing a license by fraud or deceit.

30 (b) Committing a fraudulent or dishonest act as an  
31 acupuncturist resulting in substantial injury to another.

32 (c) Using any controlled substance as defined in  
33 Division 10 (commencing with Section 11000) of the  
34 Health and Safety Code, or dangerous drug or alcoholic  
35 beverage to an extent or in a manner dangerous to  
36 himself or herself, or to any other person, or to the public,  
37 and to an extent that the use impairs his or her ability to  
38 engage in the practice of acupuncture with safety to the  
39 public.



1 (d) Conviction of a crime substantially related to the  
2 qualifications, functions, or duties of an acupuncturist, the  
3 record of conviction being conclusive evidence thereof.

4 (e) Improper advertising.

5 (f) Violating or conspiring to violate the terms of this  
6 chapter.

7 (g) Gross negligence.

8 (h) Repeated negligent acts.

9 (i) Incompetence.

10 (j) Except for good cause, the knowing failure to  
11 protect patients by failing to follow infection control  
12 guidelines of the board, thereby risking transmission of  
13 blood-borne infectious diseases from licensee to patient,  
14 from patient to patient, and from patient to licensee. In  
15 administering this subdivision, the board shall consider  
16 referencing the standards, regulations, and guidelines of  
17 the State Department of Health Services developed  
18 pursuant to Section 1250.11 of the Health and Safety Code  
19 and the standards, regulations, and guidelines pursuant to  
20 the California Occupational Safety and Health Act of 1973  
21 (Part 1 (commencing with Section 6300) of Division 5 of  
22 the Labor Code) for preventing the transmission of HIV,  
23 hepatitis B, and other blood-borne pathogens in health  
24 care settings. As necessary, the committee shall consult  
25 with the Medical Board of California, the California  
26 Board of Podiatric Medicine, the Board of Dental  
27 Examiners of the State of California, the Board of  
28 Registered Nursing, and the Board of Vocational Nursing  
29 and Psychiatric Technicians, to encourage appropriate  
30 consistency in the implementation of this subdivision.

31 The board shall seek to ensure that licensees are  
32 informed of the responsibility of licensees and others to  
33 follow infection control guidelines, and of the most recent  
34 scientifically recognized safeguards for minimizing the  
35 risk of transmission of blood-borne infectious diseases.

36 (k) The revocation, suspension, or other discipline,  
37 restriction, or limitation imposed by another state upon  
38 a license or certificate to practice acupuncture issued by  
39 that state, or the revocation, suspension, or restriction of  
40 the authority to practice acupuncture by an agency of the

1 federal government, on grounds that would have been  
2 grounds for disciplinary action in California of a licensee  
3 under this chapter.

4 SEC. 70. Section 4956 of the Business and Professions  
5 Code is amended to read:

6 4956. A plea or verdict of guilty or a conviction  
7 following a plea of nolo contendere made to a charge  
8 which is substantially related to the qualifications,  
9 functions, or duties of an acupuncturist is deemed to be  
10 a conviction within the meaning of this chapter.

11 The board may order a license suspended or revoked,  
12 or may deny a license, or may impose probationary  
13 conditions upon a license, when the time for appeal has  
14 elapsed, or the judgment of conviction has been affirmed  
15 on appeal, or when an order granting probation is made  
16 suspending the imposition of sentence irrespective of a  
17 subsequent order under the provisions of Section 1203.4  
18 of the Penal Code allowing the person to withdraw his or  
19 her pleas of guilty and to enter a plea of not guilty, or  
20 setting aside the verdict of guilty, or dismissing the  
21 accusation, complaint, information, or indictment.

22 SEC. 71. Section 4959 of the Business and Professions  
23 Code is amended to read:

24 4959. (a) The board may request the administrative  
25 law judge, under his or her proposed decision in  
26 resolution of a disciplinary proceeding before the board,  
27 to direct any licensee found guilty of unprofessional  
28 conduct to pay to the board a sum not to exceed actual  
29 and reasonable costs of the investigation and prosecution  
30 of the case.

31 (b) The costs to be assessed shall be fixed by the  
32 administrative law judge and shall not in any event be  
33 increased by the board. When the board does not adopt  
34 a proposed decision and remands the case to an  
35 administrative law judge, the administrative law judge  
36 shall not increase the amount of any costs assessed in the  
37 proposed decision.

38 (c) When the payment directed in the board's order  
39 for payment of costs is not made by the licensee, the board  
40 may enforce the order for payment in the superior court

1 in the county where the administrative hearing was held.  
2 This right of enforcement shall be in addition to any other  
3 rights the board may have as to any licensee directed to  
4 pay costs.

5 (d) In any judicial action for the recovery of costs,  
6 proof of the board's decision shall be conclusive proof of  
7 the validity of the order of payment and the terms for  
8 payment.

9 (e) All costs recovered under this section shall be  
10 considered a reimbursement for costs incurred and shall  
11 be deposited in the Acupuncture Fund.

12 SEC. 72. Section 4960.5 of the Business and  
13 Professions Code is amended to read:

14 4960.5. (a) A person whose license or registration has  
15 been revoked, suspended, or surrendered, or who has  
16 been placed on probation, may petition the board for  
17 reinstatement or modification of penalty, including  
18 modification or termination of probation, after a period  
19 of not less than the following minimum periods has  
20 elapsed from the effective date of the decision ordering  
21 that disciplinary action:

22 (1) At least three years for reinstatement of a license  
23 revoked or surrendered.

24 (2) At least two years for early termination of  
25 probation of three years or more.

26 (3) At least two years for modification of a condition of  
27 probation.

28 (4) At least one year for early termination of probation  
29 of less than three years.

30 (b) The board may require an examination for that  
31 reinstatement.

32 (c) Notwithstanding Section 489, a person whose  
33 application for a license or registration has been denied  
34 by the board, for violations of Division 1.5 (commencing  
35 with Section 475) of this chapter, may reapply to the  
36 board for a license or registration only after a period of  
37 three years has elapsed from the date of the denial.

38 SEC. 73. Section 4961 of the Business and Professions  
39 Code is amended to read:

1 4961. (a) Every person who is now or hereafter  
2 licensed to practice acupuncture in this state shall  
3 register, on forms prescribed by the Acupuncture Board,  
4 his or her place of practice, or, if he or she has more than  
5 one place of practice, all of the places of practice. If the  
6 licensee has no place of practice, he or she shall notify the  
7 board of that fact. A person licensed by the board shall  
8 register within 30 days after the date of his or her  
9 licensure.

10 (b) An acupuncturist licensee shall post his or her  
11 license in a conspicuous location in his or her place of  
12 practice at all times. If an acupuncturist has more than  
13 one place of practice, he or she shall obtain from the  
14 board a duplicate license for each additional location and  
15 post the duplicate license at each location.

16 (c) Any licensee that changes the location of his or her  
17 place of practice shall register each change within 30 days  
18 of making that change. In the event a licensee fails to  
19 notify the board of any change in the address of a place  
20 of practice within the time prescribed by this section, the  
21 board may deny renewal of licensure. An applicant for  
22 renewal of licensure shall specify in his or her application  
23 whether or not there has been a change in the location of  
24 his or her place of practice and, if so, the date of that  
25 change. The board may accept that statement as  
26 evidence of the change of address.

27 SEC. 74. Section 4963 of the Business and Professions  
28 Code is amended to read:

29 4963. Whenever any person has engaged in an act or  
30 practice which constitutes an offense against this chapter,  
31 a superior court of a county on application of the board  
32 may issue an injunction or other appropriate order  
33 restraining that conduct. Proceedings under this section  
34 shall be governed by Chapter 3 (commencing with  
35 Section 525) of Title 7 of Part 2 of the Code of Civil  
36 Procedure. The board may commence action in such  
37 superior court under the provisions of this section on its  
38 own motion and no undertaking shall be required in any  
39 action commenced by the board.



1 SEC. 75. Section 4964 of the Business and Professions  
2 Code is amended to read:

3 4964. The provisions of this article insofar as they are  
4 substantially the same as provisions relating to the same  
5 subject matter of any previous acupuncture licensure law  
6 shall be construed as a restatement and continuation  
7 thereof, and not as a new enactment.

8 SEC. 76. Section 4965 of the Business and Professions  
9 Code, as amended by Section 18 of Chapter 983 of the  
10 Statutes of 1991, is repealed.

11 SEC. 77. Section 4965 of the Business and Professions  
12 Code, as added by Section 19 of Chapter 983 of the  
13 Statutes of 1991, is amended to read:

14 4965. (a) Licenses issued pursuant to this chapter  
15 shall expire on the last day of the birth month of the  
16 licensee during the second year of a two-year term, if not  
17 renewed.

18 (b) The board shall establish and administer a birth  
19 date renewal program.

20 (c) To renew an unexpired license, the holder shall  
21 apply for renewal on a form provided by the board and  
22 pay the renewal fee fixed by the board.

23 SEC. 78. Section 4966 of the Business and Professions  
24 Code is amended to read:

25 4966. Except as provided in Section 4969, a license  
26 that has expired may be renewed at any time within three  
27 years after its expiration by filing of an application for  
28 renewal on a form provided by the board, paying all  
29 accrued and unpaid renewal fees, and providing proof of  
30 completing continuing education requirements. If the  
31 license is not renewed prior to its expiration, the  
32 acupuncturist, as a condition precedent to renewal, shall  
33 also pay the prescribed delinquency fee. Renewal under  
34 this section shall be effective on the date on which the  
35 application is filed, on the date on which the renewal fee  
36 is paid, or on the date the delinquency fee is paid,  
37 whichever occurs last. If so renewed, the license shall  
38 continue in effect through the expiration date provided  
39 in Section 4965, after the effective date of the renewal,

1 when it shall expire and become invalid if it is not again  
2 renewed.

3 SEC. 79. Section 4967 of the Business and Professions  
4 Code is amended to read:

5 4967. A person who fails to renew his or her license  
6 within three years after its expiration may not renew it,  
7 and it may not be restored, reissued, or reinstated  
8 thereafter, but that person may apply for and obtain a  
9 new license if he or she meets all of the following  
10 requirements:

11 (a) Has not committed any acts or crimes constituting  
12 grounds for denial of licensure under Division 1.5  
13 (commencing with Section 475).

14 (b) Takes and passes the examination, if any, which  
15 would be required of him or her if an initial application  
16 for licensure was being made, or otherwise establishes to  
17 the satisfaction of the board that, with due regard for the  
18 public interest, he or she is qualified to practice as an  
19 acupuncturist.

20 (c) Pays all of the fees that would be required if an  
21 initial application for licensure was being made. The  
22 board may provide for the waiver or refund of all or any  
23 part of an examination fee in those cases in which a license  
24 is issued without an examination pursuant to this section.

25 SEC. 80. Section 4972 of the Business and Professions  
26 Code is amended to read:

27 4972. Fees fixed by the board shall be set forth in  
28 regulations duly adopted by the board.

29 SEC. 81. Section 4973 of the Business and Professions  
30 Code is amended to read:

31 4973. A fee for the inspection or reinspection of a  
32 school or college of acupuncture for purposes of approval  
33 or continued approval shall be charged at an amount to  
34 recover the direct costs incurred by the board in  
35 conducting that inspection and evaluation of the school  
36 or college.

37 SEC. 82. Section 4975 of the Business and Professions  
38 Code is amended to read:

39 4975. An acupuncture corporation is a corporation  
40 which is authorized to render professional services, as

1 defined in Section 13401 of the Corporations Code, so long  
2 as that corporation and its shareholders, officers,  
3 directors, and employees rendering professional services  
4 who are acupuncturists are in compliance with the  
5 Moscone-Knox Professional Corporation Act, this article  
6 and all other statutes and regulations now or hereafter  
7 enacted or adopted pertaining to that corporation and  
8 the conduct of its affairs.

9 With respect to an acupuncture corporation, the  
10 governmental agency referred to in the Moscone-Knox  
11 Professional Corporation Act is the Acupuncture Board.

12 SEC. 83. Section 4977 of the Business and Professions  
13 Code is amended to read:

14 4977. An acupuncture corporation shall not do or fail  
15 to do any act the doing of which or the failure to do which  
16 would constitute unprofessional conduct under Article 4  
17 (commencing with Section 4955). In the conduct of its  
18 practice, it shall observe and be bound by statutes and  
19 regulations to the same extent as a person holding a  
20 license under this chapter.

21 SEC. 84. Section 4979 of the Business and Professions  
22 Code is amended to read:

23 4979. The board may adopt and enforce regulations to  
24 carry out the purposes and objectives of this article,  
25 including, but not limited to, regulations requiring (a)  
26 that the bylaws of an acupuncture corporation shall  
27 include a provision whereby the capital stock of the  
28 corporation owned by a disqualified person (as defined in  
29 Section 13401 of the Corporations Code), or a deceased  
30 person, shall be sold to the corporation or to the  
31 remaining shareholders of the corporation within the  
32 time the regulations may provide, and (b) that an  
33 acupuncture corporation shall provide adequate security  
34 by insurance or otherwise for claims against it by its  
35 patients arising out of the rendering of professional  
36 services.

37 SEC. 85. Section 12529 of the Government Code is  
38 amended to read:

39 12529. (a) There is in the Department of Justice the  
40 Health Quality Enforcement Section. The primary



1 responsibility of the section is to prosecute proceedings  
2 against licensees and applicants within the jurisdiction of  
3 the Medical Board of California including all committees  
4 under the jurisdiction of the board or a division of the  
5 board, including the Board of Podiatric Medicine, and the  
6 Board of Psychology, and to provide ongoing review of  
7 the investigative activities conducted in support of those  
8 prosecutions, as provided in subdivision (b) of Section  
9 12629.5.

10 (b) The Attorney General shall appoint a Senior  
11 Assistant Attorney General of the Health Quality  
12 Enforcement Section. The Senior Assistant Attorney  
13 General of the Health Quality Enforcement Section shall  
14 be an attorney in good standing licensed to practice in the  
15 State of California, experienced in prosecutorial or  
16 administrative disciplinary proceedings and competent  
17 in the management and supervision of attorneys  
18 performing those functions.

19 (c) The Attorney General shall ensure that the Health  
20 Quality Enforcement Section is staffed with a sufficient  
21 number of experienced and able employees that are  
22 capable of handling the most complex and varied types  
23 of disciplinary actions against the licensees of the division  
24 or board.

25 (d) Funding for the Health Quality Enforcement  
26 Section shall be budgeted in consultation with the  
27 Attorney General from the special funds financing the  
28 operations of the Medical Board of California, the  
29 California Board of Podiatric Medicine, and the  
30 committees under the jurisdiction of the Medical Board  
31 of California or a division of the board, and the Board of  
32 Psychology, with the intent that the expenses be  
33 proportionally shared as to services rendered.

34 SEC. 86. Section 12529.5 of the Government Code is  
35 amended to read:

36 12529.5. (a) All complaints or relevant information  
37 concerning licensees that are within the jurisdiction of  
38 the Medical Board of California or the Board of  
39 Psychology shall be made available to the Health Quality  
40 Enforcement Section.

1 (b) The Senior Assistant Attorney General of the  
2 Health Quality Enforcement Section shall assign  
3 attorneys to assist the division and the boards in intake  
4 and investigations and to direct discipline-related  
5 prosecutions. Attorneys shall be assigned to work closely  
6 with each major intake and investigatory unit of the  
7 boards, to assist in the evaluation and screening of  
8 complaints from receipt through disposition and to assist  
9 in developing uniform standards and procedures for the  
10 handling of complaints and investigations.

11 A deputy attorney general of the Health Quality  
12 Enforcement Section shall frequently be available on  
13 location at each of the working offices at the major  
14 investigation centers of the boards, to provide  
15 consultation and related services and engage in case  
16 review with the boards' investigative, medical advisory,  
17 and intake staff. The Senior Assistant Attorney General  
18 and deputy attorneys general working at his or her  
19 direction shall consult as appropriate with the  
20 investigators of the boards, medical advisors, and  
21 executive staff in the investigation and prosecution of  
22 disciplinary cases.

23 (c) The Senior Assistant Attorney General or his or her  
24 deputy attorneys general shall assist the boards, division,  
25 or allied health committees, including the Board of  
26 Podiatric Medicine, in designing and providing initial and  
27 in-service training programs for staff of the division,  
28 boards, or allied health committees, including, but not  
29 limited to, information collection and investigation.

30 (d) The determination to bring a disciplinary  
31 proceeding against a licensee of the division or the boards  
32 shall be made by the executive officer of the division, the  
33 board, or allied health committee, including the Board of  
34 Podiatric Medicine, or the Board of Psychology, as  
35 appropriate in consultation with the senior assistant.

36 SEC. 87. Section 11165 of the Health and Safety Code  
37 is amended to read:

38 11165. (a) To assist law enforcement and regulatory  
39 agencies in their efforts to control the diversion and  
40 resultant abuse of Schedule II controlled substances, and

1 for statistical analysis, education, and research, the  
2 Department of Justice shall, contingent upon the  
3 availability of adequate funds, establish the Controlled  
4 Substance Utilization Review and Evaluation System  
5 (CURES) for the electronic monitoring of the  
6 prescribing and dispensing of Schedule II controlled  
7 substances by all practitioners authorized to prescribe or  
8 dispense these controlled substances. CURES shall be  
9 implemented as a pilot project, commencing on July 1,  
10 1997, to be administered concurrently with the existing  
11 triplicate prescription process, to examine the  
12 comparative efficiencies between the two systems.

13 (b) The CURES pilot project shall operate under  
14 existing provisions of law to safeguard the privacy and  
15 confidentiality of patients. Data obtained from CURES  
16 shall only be provided to appropriate state, local, and  
17 federal persons or public agencies for disciplinary, civil,  
18 or criminal purposes and to other agencies or entities, as  
19 determined by the Department of Justice, for the  
20 purpose of educating practitioners and others in lieu of  
21 disciplinary, civil, or criminal actions. Data may be  
22 provided to public or private entities, as approved by the  
23 Department of Justice, for educational, peer review,  
24 statistical, or research purposes, provided that patient  
25 information, including any information that may identify  
26 the patient, is not compromised. Further, data disclosed  
27 to any individual or agency as described in this  
28 subdivision, shall not be disclosed, sold, or transferred to  
29 any third party.

30 (c) The Department of Justice, in consultation with  
31 the Board of Pharmacy, shall submit a report to the  
32 Legislature by January 1, 1999, with annual updates also  
33 due January 1, 2000, 2001, and 2002, on the CURES pilot  
34 project. Specifically, these reports shall assess the ability  
35 of CURES to provide complete, accurate, and timely data  
36 on Schedule II controlled substances prescribed and  
37 dispensed in California, the effectiveness of this  
38 information in investigating and prosecuting individuals  
39 suspected of diversion activities, and the feasibility of  
40 replacing the current triple-copy prescription form with

1 a single-copy serialized prescription form to reduce  
2 existing administrative burdens. Further, the report shall  
3 make recommendations regarding the replacement of  
4 the existing triplicate prescription process with CURES,  
5 and funding alternatives for ongoing system support.

6 (d) The sum of one million fifty thousand dollars  
7 (\$1,050,000) is hereby appropriated from the Pharmacy  
8 Board Contingent Fund to the Board of Pharmacy for the  
9 purpose of entering into an interagency agreement with  
10 the Department of Justice for the implementation,  
11 operation, and evaluation of CURES.

12 (e) This section shall become inoperative on July 1,  
13 2003, and, as of January 1, 2004, is repealed, unless a later  
14 enacted statute, that becomes operative on or before  
15 January 1, 2004, deletes or extends the dates on which it  
16 becomes inoperative and is repealed.

17 SEC. 88. No reimbursement is required by this act  
18 pursuant to Section 6 of Article XIII B of the California  
19 Constitution because the only costs that may be incurred  
20 by a local agency or school district will be incurred  
21 because this act creates a new crime or infraction,  
22 eliminates a crime or infraction, or changes the penalty  
23 for a crime or infraction, within the meaning of Section  
24 17556 of the Government Code, or changes the definition  
25 of a crime within the meaning of Section 6 of Article  
26 XIII B of the California Constitution.

